



CHAPITRE O-0.5

CHAPTER O-0.5

Loi sur les langues officielles

Sanctionnée le 7 juin 2002

Official Languages Act

Assented to June 7, 2002

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cité — city
communauté linguistique — linguistic community
communication et communiquer — communication and
communicate

Office of the Commissioner of Official Languages for New Brunswick

2016-2017 ANNUAL REPORT

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OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES FOR NEW BRUNSWICK



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communiquer

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linguistic community — communauté linguistique

langues officielles — official languages

ministère — department

municipalité — municipality

publication et publier — publication and published

services publics — public service

sociétés de la Couronne — Crown Corporation

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*"If you talk to a man in a language he understands,
that goes to his head.
If you talk to him in his language,
that goes to his heart."*

Nelson Mandela

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OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

June 2017

Hon. 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, 2016 to March 31, 2017.

Respectfully submitted,

A handwritten signature in cursive script that reads "Katherine d'Entremont".

Katherine d'Entremont, MPA
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 the Government of New Brunswick.

Official Languages Act

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

- institutions of the Legislative Assembly and the Government of 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 any other body or office established to perform a governmental function,
- professional associations that regulate a profession in New Brunswick.

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.

Exceptions

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.

Private Sector

The OLA does not apply to private-sector enterprises, except in cases where they offer services to the public on behalf of a public body which has obligations under the OLA.

Active Offer

Institutions and organizations with obligations under the OLA have an obligation to inform citizens that their services are available in both official languages. To do so, staff must greet members of the public or answer the telephone in both official languages. Active offer must also be provided through bilingual signage. 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.

The position of the 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 concerning the activities of the Office of the Commissioner of Official Languages for New Brunswick. This fourth report by Commissioner d'Entremont provides a description of the activities carried out between April 1, 2016 and March 31, 2017.



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FROM THE COMMISSIONER KATHERINE D'ENTREMONT

No requirement, no progress, and no equality

The bilingualism of senior public servants is a central theme of the 2016-2017 Annual Report of the Office of the Commissioner. In fact, it is at the heart of a study on the use of French in communications between Francophone representatives and senior management of government departments and agencies. It is also the topic of an investigation report on the absence of a bilingual requirement in competitions to fill three legislative officer positions. In this section, Katherine d'Entremont explains that the bilingual capacity of the senior public service cannot progress unless the knowledge of both languages becomes a requirement for appointment to a senior public service position.

In June 2013, the federal Parliament passed an Act making bilingualism mandatory in order to be appointed as an Officer of Parliament. The event that led to the adoption of that Act had bewildered more than a few Canadians: the November 2011 appointment of a unilingual Anglophone as Auditor General of Canada. What is most astonishing about that story is the fact that the Auditor General involved is a former New Brunswick senior public servant, Mr. Michael Ferguson. At the time, many Canadians wondered how Canada's only officially bilingual province could have unilingual senior public servants.

In 2015, the Office of the Commissioner conducted a study on bilingualism in the senior public service.

This group, made up of executive directors, assistant deputy ministers and deputy ministers, then accounted for roughly 3% of the total number of positions in provincial departments and agencies. Our study revealed that only half of senior public servants could, in 2015, communicate in French. Such a situation prevents the full application of the principle of equality of our two official languages, a principle enshrined in the *Canadian Charter of Rights and Freedoms*. I therefore recommended that as of 2020, bilingualism become mandatory for *new appointments* to a senior public service position. (That measure would not affect the senior officials already in office. They would not be required to be bilingual unless they wanted to change positions.)

In Canada's only officially bilingual province, approximately half of New Brunswick's senior public servants are unable to speak French to the Francophone population, to Francophone MLAs, to the Francophone media, and to Francophone stakeholder groups. Is this fair for this linguistic community which has a status equal to that of the Anglophone community?

I also recommended that an intensive second-language training program tailored to the needs of senior public servants be put in place. My recommendation for a bilingual requirement for new appointments to senior public service positions has gone unheeded. Yet, bilingualism is a fundamental competency for these positions for four compelling reasons.

1 Communicating with the two linguistic communities

Communication is central to the work of senior public servants. Their exchanges with ministers, MLAs, employees, citizens, and interest groups provide them with the information required to lead their organizations efficiently and to make informed decisions. In a province with two official linguistic communities, speaking only one language becomes a major obstacle for senior public servants.

Also, unilingualism among senior public servants creates inequality in terms of respect for both official languages and both official linguistic communities.

Imagine a group of Anglophones who wish to speak with the management of a department. Would it be acceptable for a Francophone Deputy Minister to agree to meet with the group by asking them to speak French? Certainly not. And yet, given the fact that half of senior public servants are not bilingual, it is accepted that the reverse situation can occur when Francophone groups meet with senior officials.

2 Ensuring the quality of bilingual services provided to the public

Senior public servants are responsible for the quality of the services provided to each of the two linguistic communities. How can unilingual senior public servants claim that they appreciate the needs of each linguistic community and can meet those needs effectively if they are able to communicate with only one of them? How can they assume responsibility for the quality of services in English and French if they speak only one of those languages? How can senior officials demonstrate to their employees the importance of bilingual services if they are unilingual?

3 Creating a bilingual work environment

Civil servants may work and be supervised in English or French, subject to having to serve members of the public in their official language of choice. A unilingual Anglophone senior public servant cannot respect the choice of Francophone employees to be supervised in their language of choice. When a unilingual senior official attends an employee meeting, which language will be spoken? The language of the boss, of course. English then becomes the language of work and the Civil Service becomes a workplace where the vitality of the French language in the province is adversely affected.

The equality of use of both official languages at work is impossible if the senior public service is not fully bilingual. To argue otherwise is akin to attempting to square the circle.

4 Embodying one of the province's fundamental values

The Canadian Constitution affirms the equality of the two linguistic communities and the two official languages in New Brunswick. Our province's senior public servants must embody this equality, which is a fundamental value, by speaking English and French fluently.

Unfair to whom?

During a speech* in Saint John and Caraquet, Premier Gallant said: "To say that everybody in the senior leadership of the civil service needs to be bilingual is not fair, given that we have not yet offered a generation of Anglophones a fair chance to become bilingual through accessible second-language training opportunities that work."

New Brunswick has been officially bilingual since 1969. Almost a half century. Moreover, the first immersion classes in the province appeared in the 1970s. Close to 30% of bilingual people in New Brunswick are native English speakers. This surely means that French can be learned in New Brunswick.

If we follow the Premier's reasoning, how can the federal government require that all assistant deputy ministers be bilingual, throughout the country?

In Canada's only officially bilingual province, approximately half of New Brunswick's senior public servants are unable to speak French to the Francophone population, to Francophone MLAs, to the Francophone media, and to Francophone stakeholder groups. Is this fair for this linguistic community which has a status equal to that of the Anglophone community?

Mr. Ferguson now speaks French

Following his appointment as Auditor General of Canada in 2011, Michael Ferguson took intensive training to learn French – and today, he speaks the language.

So the question arises: Why did Mr. Ferguson not become bilingual when he was working in New Brunswick? Because successive provincial governments have never required that knowledge of both official languages be an essential competency for all senior public servants. So we lost the main incentive to make progress. Why would a career civil servant learn French in New Brunswick if the government does not make it an essential skill to rise to the top positions? Here lies the real cause of the problem: no requirement; no progress. And no equality.

*Speech given on September 26, 2016 in Saint John and on September 28, 2016 in Caraquet.



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ARE YOU BEING SERVED IN THE OFFICIAL LANGUAGE OF YOUR CHOICE?

Findings of the compliance audit of cities, municipalities and regional service commissions with the *Official Languages Act*

Between November 2016 and March 2017, the Office of the Commissioner of Official Languages for New Brunswick (OCOLNB) conducted an audit to determine the extent to which cities, municipalities and regional service commissions (RSCs) were fulfilling their language obligations.

Despite some failures and a number of deficiencies, the findings of this audit tend to indicate that New Brunswickers are usually able to receive service in the official language of their choice. However, the service provided in both languages is not always of equal quality.

The language obligations of cities, municipalities and regional service commissions apply to a limited number of front-line communications and services. Given the high rates of compliance obtained during the audit, the Commissioner deems it is now necessary to consider expanding these communications and services. The Commissioner also recommends setting up a multi-sectoral committee to study this issue.

This audit was conducted with the assistance of the Centre de recherche et de développement en éducation (CRDE) of Université de Moncton.

Highlights

Audit of the delivery of services in person, by telephone and by email

- The auditors usually obtained service in the official language of their choice. However, the service in English was often superior to the service in French in terms of the time it took to obtain service, the quality of written communications (emails), the frequency of failures to receive service, and the level of service delivery.
- The number of failures to receive service in the auditors' choice of official language was low. In total, there were five failures during the 240 audits conducted in French with cities and municipalities. Two failures occurred during an audit in person at the city halls of Fredericton (1) and Miramichi (1), two failures occurred during a telephone call to the Saint John city hall (1) and the Rexton town hall (1), and one failure occurred during an audit conducted by email with the city of Moncton (1).

- There was only one failure to receive service in English, which occurred during an audit in person at the Atholville town hall.
- No failures occurred during the audits of the regional service commissions (RSCs).
- The active offer of service, i.e., greeting extended to the public in both official languages, is not a widespread practice. In fact, during the audits in person, the auditors were greeted in both official languages less than once out of every two times.

Audit of websites and social media

- All of the cities, municipalities and RSCs respect the obligation to post information in both official languages on their websites. However, major problems with respect to similarity of content between English and French web pages were noted for three cities (Edmundston, Miramichi and Saint John), one municipality (Eel River Crossing), and two RSCs (Greater Miramichi and Fundy).
- With respect to posts on social media (Facebook and Twitter), the rate of posts in both official languages was relatively high. However, a number of cities, municipalities and RSCs had not published all of the posts audited in English and French.

Audit of official documents adopted or published between November 21, 2015 and November 21, 2016

- All of the cities, except Miramichi, and all of the municipalities, except Charlo, have perfect (100%) or very high (95%) scores for the translation of official documents adopted or published during the audit period.
- All of the RSCs, except the Fundy, Northwest and Greater Miramichi RSCs, had perfect (100%) or very high (98%) scores for the translation of official documents adopted or published during the audit period.

Introduction

In 2002, when the new *Official Languages Act* was adopted, language obligations were imposed on all cities and municipalities with an official language minority population of at least 20% of the total population. Language obligations were also prescribed for planning commissions and solid waste

commissions, which became Regional Service Commissions (RSCs) in 2013. RSCs with language obligations are those serving an area with an official language minority population of at least 20% of the total population or that include a city or municipality subject to the OLA.

Table 1
Cities, Municipalities and RSCs with Language Obligations under the *Official Languages Act*

Cities	Municipalities (Municipalities with an official language minority population of at least 20% of the total population)	Regional Service Commissions (RSCs) (RSCs with language obligations are those serving an area whose official language minority population is at least 20% of the total population or that include a city or municipality subject to the OLA)
<ul style="list-style-type: none"> • Bathurst • Campbellton • Dieppe • Edmundston • Fredericton • Miramichi • Moncton • Saint John 	<ul style="list-style-type: none"> • Atholville • Charlo • Dalhousie • Eel River Crossing • Rexton • Richibucto • Shediac • Tide Head 	<ul style="list-style-type: none"> • Northwest RSC • Restigouche RSC • Chaleur RSC • Greater Miramichi RSC • Kent RSC • Southeast RSC • Fundy RSC • RSC 11

Front-line language obligations

The extent of the language obligations of cities, municipalities and RSCs is much less than that of other organizations subject to the OLA. In fact, they are only required to provide a certain number of services and communications in both official languages, whereas provincial departments, Crown corporations and other public-sector organizations must provide all of their services and communications in English and French.

Services and communications that must be provided in both official languages by cities, municipalities and RSCs are mainly described in Regulation 2002-63. On reading the Regulation, it is evident that their language obligations have to do almost exclusively with basic and front-line services, for example, access to information on municipal services. (See Tables 2 and 3.)

Audit objectives

This is the first time that the Office of the Commissioner of Official Languages for New Brunswick (OCOLNB) has conducted a compliance audit of cities, municipalities and regional service commissions. In many respects, these audits were similar to those that the OCOLNB conducted with provincial departments and organizations (Part I) during the 2015–2016 fiscal year. Essentially, the audit of the municipal and regional sector had the following objectives:

- to determine the degree to which cities, municipalities and RSCs respect the obligations set out in the *Official Languages Act*;
- to identify strengths and areas in need of improvement relative to the provision of bilingual services to the public;
- to establish benchmarks for measuring future progress;
- to identify best practices relative to the provision of quality services in both official languages.

Three audit categories

All of the elements audited during this exercise are related to obligations set out in the *Official Languages Act* and in Regulation 2002-63. For the purposes of this exercise, these elements were grouped into the following three categories:

1. Delivery of services and information to the public;
2. Websites and social media;
3. Official documents produced by cities, municipalities and commissions.

Each of these three audit categories is dealt with in a specific section below.

Financial support

Because the OCOLNB did not have a sufficiently large operating budget to conduct such an audit, a funding application was submitted to the Canada-New Brunswick Agreement on the Provision of French-Language Services. This application was approved on September 20, 2016 by the Minister responsible for Official Languages.

Issuing of audit notices

The Commissioner of Official Languages for New Brunswick wrote to the mayors and administrative heads of the cities, municipalities and RSCs to be audited to inform them of the audit and request their assistance in the auditing of official documents. The Minister and the Deputy Minister of Environment and Local Government were also informed that the audit would be conducted.

PART 1

Audits of the delivery of services in person, by telephone and by email

Background

Given that communications and services that must be provided in both official languages by cities, municipalities and RSCs are described for the most part in Regulation 2002-63 of New Brunswick's *Official Languages Act*, the OCOLNB's audits targeted most of these elements.¹ Three types of audits were conducted: in person, by telephone and by email. Tables 2 and 3 show the type of audit conducted for each service and communication described in Regulation 2002-63.

In order to be able to compare the delivery of service in each official language, each audit was conducted by two different auditors, one time in English and the other time in French.

Each city and municipality underwent 15 audits, all types combined, in each language, while each regional service commission underwent 5 audits, all types combined, in each language. In all, 280 audits were conducted in each official language, that is, 120 of cities (8 cities X 15 audits), 120 of municipalities (8 municipalities X 15 audits) and 40 of RSCs (8 RSCs X 5 audits).

Methodology

The Office of the Commissioner of Official Languages used the services of the Centre de recherche et de développement en éducation (CRDE) of the Université de Moncton to conduct the audits and compile and analyze the findings.

The CRDE recruited and trained two teams of auditors: one for English audits, the other for French audits. The auditors conducted the audits in their first spoken official language.

The audits were designed and conducted in such a way as to simulate the experience of a member of the public seeking information about a service provided by a municipality or RSC. Auditors used fictional scenarios that provided a context for their initiative and could be used to introduce questions they had to ask during on-site visits, for telephone calls and for audit-related emails.

The audits were conducted in such a way as to minimize disruptions of the regular delivery of services to the public. The questions asked by the auditors were therefore relatively simple so as not to require extensive research on the part of the employees. Once the elements being audited had been covered, the auditor stopped the exercise.

The auditors were instructed not to inform municipal or RSC employees that they were auditing the delivery of services in either official language, unless it became necessary.

It should also be noted that the auditors had to ask for a service in the audit language, even if the employee omitted to make an active offer of service by greeting them or answering their call in both official languages.

After each audit, the auditors had to fill out a questionnaire used to calculate the scores for various assessed elements and gather additional information. The auditors determined scores by using an assessment scale based on percentages.

The following table shows the elements assessed in each type of audit.

Table 2

CITIES AND MUNICIPALITIES

Type of audit conducted for each service and communication

Services and communications as set out in Regulation 2002-63 of the OLA (Schedule A – Municipalities – Services and Communications)		Type of Audit Conducted		
		IN PERSON	OVER THE TELEPHONE	BY EMAIL
1 d)	Signs (interior and exterior)	•		
1 h)	Responses to public inquiries, whether written, oral, or electronic, including complaints, reported incidents, and reception services			
1 j)	Responses to inquiries about billing services		•	
2	Information and responses to inquiries about municipal bylaw enforcement services		•	
3	Information and responses to inquiries about recreational, leisure, and cultural services		•	•
4	Information and responses to inquiries about municipal licensing services	•		•
5	Information and responses to inquiries about public works and utilities services		•	
7	Information and responses to inquiries about building inspection services		•	•
8	Information, educational programs, and responses to inquiries about crime prevention services		•	•
9	Information and responses to inquiries about community planning and development services and services related to the administration of the <i>Community Planning Act</i>		•	
10	Information, educational programs, and responses to inquiries about fire prevention services		•	•

1 Traffic signs were not included in the audit. Websites are covered in a separate audit; see Part 2 (page 30).

Table 3

REGIONAL SERVICE COMMISSIONS

Type of audit conducted for each service and communication

Services and communications as set out in Regulation 2002-63 of the OLA (Schedule B – Regional Service Commissions – Services and Communications)		Type of Audit Conducted		
		IN PERSON	OVER THE TELEPHONE	BY EMAIL
1	Signs (interior and exterior)			
4	Responses to public inquiries, whether oral, written or electronic, including complaints, reported incidents, and reception services	●	●	●
5	Responses to inquiries about billing services		●	●

Audit Schedule

The audits conducted in person, over the telephone and by email were conducted between November 28, 2016, and February 1, 2016. Audits not completed after that period were deemed incomplete.

Compiling and analysis of findings by the CRDE

The CRDE compiled and analyzed all of the data gathered during the audits. The results of this work were submitted to the OCOLNB to produce this part of the 2016–2017 annual report.

Table 4
Elements Assessed During Audits Conducted in Person, over the Telephone and by Email

IN PERSON (City Hall or RSC Head Office)	OVER THE TELEPHONE	BY EMAIL
<ul style="list-style-type: none"> • Exterior and interior signs are bilingual • Visual active offer (sign indicating that service is available in both official languages) • Verbal active offer (the employee greets the auditor in both official languages) • Respect for the audit language (the employee's initial response is in the same language as the auditor's) • Access to a service in the official language of choice (an employee speaking the auditor's language is on site) • Service delivery (The level at which the auditor obtained specific answers to his/her questions in the audit language. This control element was assessed using a five-point scale, i.e., obtained the requested service in full, to a great degree, partially, to a small degree, or not at all) • Amount of time it took to obtain service (amount of time scores were established for the three types of audit) <p><u>Element observed</u></p> <ul style="list-style-type: none"> • Best practices 	<ul style="list-style-type: none"> • Active offer of service (the employee answers in both official languages) • Respect for the audit language (the employee's initial response is in the same language as the auditor's) • Access to a service in the official language of choice (an employee speaking the auditor's language is available) • Service delivery (The level at which the auditor obtained specific answers to his/her questions in the audit language. This control element was assessed using a five-point scale, i.e., obtained the requested service in full, to a great degree, partially, to a small degree, or not at all) • Amount of time it took to obtain service (amount of time scores were established for the three types of audit) <p><u>Element observed</u></p> <ul style="list-style-type: none"> • Best practices 	<ul style="list-style-type: none"> • Respect for the audit language (the reply is written in the same language as that used by the auditor) • Quality of service delivery language • Service delivery (The level at which the auditor obtained specific answers to his/her questions in the audit language. This control element was assessed using a five-point scale, i.e., obtained the requested service in full, to a great degree, partially, to a small degree, or not at all) • Amount of time it took to obtain service (amount of time scores were established for the three types of audit)

Audit findings for cities

Upon their arrival at city halls, the auditors often found that exterior and interior signs were completely in both official languages. In fact, six of the eight cities were found to have perfect signage rates, i.e. Bathurst, Campbellton, Dieppe, Fredericton, Miramichi and Moncton.

On average, once out of every two times, city employees greeted the auditors or answered their telephone calls in both official languages. The highest verbal active offer percentages were noted in Campbellton (average of 80%) and Moncton (average of 75%). The lowest percentages were noted in Fredericton (average score of 30%) and Miramichi (average score of 25%). The visual active offer (presence of bilingual services signs in reception areas) percentages were generally low for cities overall, for a provincial average of 31%.

Only two cities (Campbellton and Dieppe) had perfect scores (100%) for respect for the official language of choice of the auditors. This means that the employees of these two cities always answered in the same language used by the auditors. For example, a unilingual English employee would have said *Un instant svp* in French in reply to a French-speaking auditor before going to look for a French-speaking co-worker.

In Bathurst, Campbellton, Dieppe, Edmundston and Moncton, the auditors always had access to an employee speaking the language used by the auditor. Consequently, these cities had 100% scores for access to a service in the official language of choice. When no employee speaking the auditor's language was available, a failure was noted. Two failures in French occurred during audits in person at the city halls in Fredericton (1) and Miramichi (1), and one failure in French occurred during a

telephone call to the City of Saint John. A failure in French was recorded for Moncton: an email reply from that city had not been written in the language used by the auditor, i.e. French. There were no failures in English noted for the cities.

The auditors who conducted their audits in English usually obtained an answer more quickly than those conducting audits in French. In fact, provincial averages for the cities of 85% and 67% were noted for services in English and in French, respectively.

In audits conducted by email, the quality of the written correspondence was assessed. In that regard, perfect scores in both official languages were noted for Dieppe, Miramichi and Moncton. In general, the quality of written correspondence was higher in English (provincial average of 99% for English and 89% for French).

In the case of service delivery, a total score was calculated for each city by averaging the scores noted for each delivery of service targeted by the audits (see Table 2). For the province as a whole, the score for service in English in the cities (78%) was slightly higher than the score for French (71%).

The findings for overall performance were obtained by calculating an average for all assessed elements. In that regard, the average performance rate for service in English (79%) was slightly higher than that for service in French (74%). Campbellton, Dieppe and Moncton all obtained the highest overall performance score for services in French (88% noted for Moncton and 85% noted for Campbellton and Dieppe). In addition, these three cities obtained the highest overall performance scores for services in English (88% noted for Moncton and 87% noted for Dieppe and Campbellton).

Table 5

AUDIT FINDINGS – CITIES (%)**In-Person, Telephone and Email Services**

Audit conducted between November 21, 2016, and February 1, 2017

SE : Audit of services in English

SF : Audit of services in French

*A failure occurred

	Bathurst		Campbellton		Dieppe		Edmundston		Fredericton		Miramichi		Moncton		Saint John		Provincial Average for Cities	
	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF
Signs	100	100	100	100	100	100	88	88	100	100	100	100	100	100	50	50	92	92
Verbal active offer	70	70	70	90	60	70	30	60	20	40	10	40	70	80	50	30	48	60
Visual active offer	0	0	75	75	75	75	25	25	0	0	0	0	75	75	0	0	31	31
Respect for official language of choice	93	100	100	100	100	100	93	100	100	64	100	81	100	85*	100	58	98	86
Service in the official language of choice	100	100	100	100	100	100	100	100	100	88*	100	89*	100	100	100	88*	100	96
Quality (email)	100	83	100	83	100	100	88	100	100	67	100	100	100	100	100	75	99	89
Delay	80	72	82	63	83	70	87	63	98	57	75	58	87	77	87	75	85	67
Service delivery	88	85	67	71	80	68	70	71	95	61*	68	55*	74	85*	80	73*	78	71
TOTAL	79	76	87	85	87	85	73	76	77	60*	69	65*	88	88*	71	56*	79	74

Audit findings for municipalities

Perfect scores for signs in both official languages were often noted by the auditors, namely during visits to the town halls of Atholville, Eel River Crossing, Rexton, Richibucto and Tide Head.

Employees of municipalities greeted the auditors or answered their telephone calls in both official languages 64% of the time, on average. This is a higher percentage than that for cities, which was 54%. Verbal active offer scores were highest in Richibucto and Charlo (average scores of 85% noted by the two audit teams), while the lowest scores noted were in Rexton (average score of 45% noted by the two audit teams) and Atholville (average score of 25% noted by the two audit teams). Conversely, these latter two municipalities obtained perfect visual active offer scores (presence of bilingual services signs in reception areas). Similarly, Charlo, which obtained the highest verbal active offer score, was the municipality with the lowest visual active offer score, i.e., a score of zero.

In all of the municipalities, except Rexton, employees always (100%) respected the auditors' official language of choice at the start of the conversation. This means that the employees always answered the auditors in the same language used by the auditors. For example, a unilingual English employee would have said "Un instant svp" in French in reply to a French-speaking auditor before going to look for a French-speaking co-worker.

Except in Rexton and Atholville, the auditors always had access to an employee who spoke their language when they came to the town hall or made a telephone call to the municipalities. Consequently, six municipalities out of eight had 100% scores for access to a service in the official language of choice. If no employee speaking the auditor's language was available, a failure was noted. This was the case in

Atholville during an in-person audit in English and in Rexton during an audit conducted by telephone in French.

The amount of time it took to obtain services from municipalities was usually the same in both official languages: scores of 75% for English and 76% for French.

The quality of written correspondence was assessed in audits conducted by email. In that regard, perfect scores in both official languages were noted for the municipalities of Eel River Crossing, Rexton and Shediac. It should be pointed out that the quality of written correspondence noted for municipalities was higher in the case of English than in French: total scores of 97% and 89% were noted for the quality of correspondence in English and in French, respectively.

In the case of service delivery, a total score was calculated for each municipality by averaging all of the scores noted for each delivery of service targeted by the audits (see Table 2). The level of service obtained from municipalities was usually similar for both official languages, i.e., 75% for English and 77% for French.

The findings for the overall performance of the municipalities were arrived at by using a total score obtained by calculating an average for all of the elements assessed. In that regard, it was noted that the performance rating for services obtained in English (83%) was usually similar to the performance rating for services obtained in French (82%). Eel River Crossing and Tide Head both obtained the highest overall performance scores for services obtained in French (89% and 84%, respectively). In the case of overall performance scores for services obtained in English, the highest scores were obtained by Tide Head (92%) and Rexton (89%).

Table 6

AUDIT FINDINGS – MUNICIPALITIES (%)**In-Person, Telephone and Email Services**

Audit conducted between November 21, 2016, and February 1, 2017

SE : Audit of services in English

SF : Audit of services in French

*A failure occurred

	Atholville		Charlo		Dalhousie		Eel River Crossing		Rexton		Richibucto		Shediac		Tide Head		Provincial Average for Municipalities	
	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF
Signs	100	100	88	88	88	88	100	100	100	100	100	100	88	88	100	100	96	96
Verbal active offer	20	30	80	90	50	70	60	80	40	50	80	90	80	70	80	60	61	68
Visual active offer	100	100	0	0	50	50	50	50	100	100	50	50	50	50	75	75	59	59
Respect for official language of choice	100	100	100	100	100	100	100	100	100	69	100	100	100	100	100	100	100	96
Service in the official language of choice	89*	100	100	100	100	100	100	100	100	90*	100	100	100	100	100	100	99	99
Quality (email)	100	67	75	100	100	83	100	100	100	100	100	83	100	100	100	75	97	89
Delay	80	77	65	68	77	67	82	90	87	73	75	78	48	67	95	78	76	75
Service delivery	65*	83	69	76	79	70	79	95	88	70*	71	63	59	74	88	83	75	77
TOTAL	82*	82	72	78	81	79	84	89	89	82*	85	83	78	81	92	84	83	82

Audit Findings for RSCs

Upon their arrival at RSC offices, the auditors often found that the exterior and interior signs were completely in both official languages. In that regard, perfect scores for signs in both official languages were noted for the Northwest RSC, the Restigouche RSC, the Chaleur RSC, the Kent RSC, the Southeast RSC and RSC 11.

On average, less than once out of every two times, RSC employees greeted or answered the telephone calls of the auditors in both official languages. However, the scores varied considerably from one RSC to the next. The highest score for verbal active offer was given to the Northwest RSC (average score of 83.5% noted by the two audit teams), while the lowest score, i.e. zero, was given to the Greater Miramichi RSC. The visual active offer scores were usually similar. Perfect scores were noted for the offices of the Northwest RSC, the Kent RSC and the Southeast RSC. However, visual active offer scores of 0% were noted for the Chaleur RSC, the Fundy RSC and RSC 11.

In four of the eight RSCs, i.e., Northwest, Restigouche, Chaleur and Kent, the employees always (100%) respected the auditors' choice of official language at the time of first contact. This means that the employees always answered the auditors in the same language used by the auditors. For example, a unilingual English employee would have said "Un instant svp" in French in reply to a French-speaking auditor before going to look for a French-speaking co-worker.

However, all of the RSCs obtained 100% scores for access to a service in the official language of choice. This means that the auditors were always able to communicate with an employee who spoke their language.

With respect to the amount of time it took to obtain service, the scores obtained by the RSCs were usually similar for both official languages (a total score of 91% noted for both English and French).

With respect to the quality of written correspondence, which was assessed in an audit of services provided by email, perfect scores in both official languages were noted for all of the regional service commissions, except RSC 11 and the Chaleur RSC, which both obtained scores of 75% for written correspondence in French.

In the case of service delivery, a total score was calculated for each RSC by averaging all of the scores noted for each delivery of service targeted by the audits (see Table 3). In that regard, the scores were clearly higher for delivery of service in English (96%) than in French (77%).

Lastly, the findings for overall performance of the regional service commissions were also arrived at by using a total score obtained by calculating an average for all of the assessed elements. Generally, the RSCs' overall performance score relative to service obtained in English was slightly higher than for service obtained in French (86% overall for English and 79% overall for French).

Table 7

AUDIT FINDINGS – REGIONAL SERVICE COMMISSIONS (%)**In-Person, Telephone and Email Services**

Audit conducted between November 21, 2016, and February 1, 2017

SE : Audit of services in English**SF** : Audit of services in French

	Northwest RSC		Restigouche RSC		Chaleur RSC		Greater Miramichi RSC		Kent RSC		Southeast RSC		Fundy RSC		RSC 11		Provincial Average for RSCs	
	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF	SE	SF
Signs	100	100	100	100	100	100	88	88	100	100	100	100	63	63	100	100	94	94
Verbal active offer	100	67	67	67	33	0	0	0	33	33	67	33	67	67	67	67	54	42
Visual active offer	100	100	50	50	0	0	50	50	100	100	100	100	0	0	0	0	50	50
Respect for official language of choice	100	100	100	100	100	100	100	60	100	100	100	80	100	80	100	60	100	85
Service in the official language of choice	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Quality (email)	100	100	100	100	100	75	100	100	100	100	100	100	100	100	100	75	100	94
Delay	100	90	90	100	80	90	90	95	85	80	90	100	90	75	100	100	91	91
Service delivery	100	53	100	59	79	84	92	71	100	82	100	88	100	92	92	84	96	77
TOTAL	100	89	88	85	74	69	78	71	90	87	95	88	78	72	82	73	86	79

PART 2

Audit of websites and social media posts

Background

The websites of cities and municipalities must be bilingual pursuant to Regulation 2002-63 of New Brunswick's *Official Languages Act* (see Schedule A), however, the Regulation does not impose this requirement on the regional service commissions (see Schedule B). Given that the public notices of the RSCs must be published in both official languages and because the RSCs' websites are used to disseminate general information, particularly public notices, the OCOLNB decided to also audit the RSCs' websites.

Social media are not specifically mentioned in Schedules A and B of Regulation 2002-63 of New Brunswick's *Official Languages Act*. However, because public notices must be published in both official languages and because social media accounts are often used to disseminate these notices, the OCOLNB decided to look at posts prepared by cities, municipalities and RSCs that have Facebook and Twitter accounts.

Methodology

Websites

Four types of audits were conducted for websites. The first two consisted in checking whether the text and information elements (titles, subtitles, links) on a certain number of Web pages were in the same language as the version of the monitored website. In other words, all of the text and information elements had to be in French on the French version of the site and in English on the English version. In order to do that, the first page that displayed on screen was checked after clicking each element (link) on the menu of the website's home page. Any errors resulted in a loss of points for the version of the website where the error was detected.

The objective of the third type of audit was to check whether the content of the pages was identical in both official languages. The audit focused on 25% of the pages reviewed in the type 1 and type 2 audits, up to a total number of 20 pages. Any differences in content resulted in a loss of points for the two versions of the website.

Lastly, the fourth type of audit consisted in checking whether the text and information elements on pages that displayed following a more advanced search (beyond the initial elements displayed on the home page) were in the same language as the monitored website version. Any error resulted in a loss of points for the version of the website where the error was detected.

All of the websites were audited in January 2017.

The total score was calculated by applying the following weighting: 10% for type 1, 10% for type 2, 60% for type 3, and 20% for type 4.

Posts on social media

The method used to audit posts was the same for Facebook and Twitter. It consisted in checking whether the posts written by the city, municipality or RSC were displayed in both official languages and whether they were published simultaneously. The absence of a post in one of the official languages resulted in the loss of a point; a post partially translated in the other official language resulted in a proportional loss.

The review focused on the 20 most recent posts published as at January 16, 2017.

Findings

Websites

Although the audit of websites did not include all pages on the websites and type 1 and type 2 minor errors were often noted, the findings tend to indicate nonetheless that most of the cities, municipalities and RSCs usually comply with the requirement to post the information displayed on their websites in both official languages. Perfect scores (100%) or near perfect scores (95% or more) were noted for Dieppe, Moncton, Shediac and Richibucto, as well as for the Chaleur, Kent and Southeast RSCs. However, major problems relative to the similarity of content between French and English pages (found in type 3 audits) were noted for three cities, one municipality and two RSCs. Their respective scores were also clearly below the provincial average.

In the case of cities, the provincial average was 87% for both English versions (EV) and French versions (FV). Saint John had the lowest scores, i.e., 71% for the EV and 70% for the FV, followed by Miramichi with 78% for the EV and 73% for the FV, and Edmundston with 79% for the EV and 85% for the FV.

In the case of municipalities, the provincial average was 89% for English versions and 87% for French versions. The municipality of Eel River Crossing had the lowest score, i.e., 67%, for both versions of its website.

Lastly, in the case of the regional service commissions, the provincial average was 84% for English versions and 83% for French versions. Two

RSCs obtained scores that were clearly below the provincial average, i.e., the Greater Miramichi RSC (48% for the EV and 45% for the FV) and the Fundy RSC (72% for the EV and 68% for the FV).

Posts on social media

With respect to posts published on social media, the percentages of posts in both official languages were relatively high. However, a number of cities, municipalities and RSCs had not published all of the posts targeted by the audit in English and in French.

In the case of the cities, Edmundston had the greatest gaps in the percentages of posts published in each official language on its Facebook and Twitter accounts. Three other cities had smaller but nonetheless significant gaps between the English and French content: Campbellton, Saint John and Fredericton (Twitter). It should be noted that Dieppe, Fredericton (Facebook) and Moncton obtained perfect or very high scores for one account or both accounts.

Of the five municipalities that use social media, Shediac and Richibucto obtained a perfect or near perfect score for posts published in both official languages on their Facebook pages. All of the other municipalities were found to have gaps between English and French, with the biggest gaps noted for Atholville.

Of the six RSCs that use social media, four obtained perfect or near perfect scores for publishing posts in both official languages, i.e., Restigouche, Chaleur, Kent and Southeast RSCs. Only the Northwest RSC and the Fundy RSC had significant gaps between English and French.

TABLE 8

AUDIT FINDINGS – CITIES (%)

Rate of Compliance of Each Version of the Website and Social Media Posts

Audit of websites conducted in January 2017
 Audit of 20 most recent posts as at January 16, 2017
 EV: Audit of English pages and versions
 FV : Audit of French pages and versions
 N/A: Social media not used

	Bathurst		Campbellton		Dieppe		Edmundston		Fredericton		Miramichi		Moncton		Saint John		Provincial Average	
	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV
Websites	89	87	95	92	99	100	79	85	91	90	78	73	96	96	71	70	87	87
Facebook posts	N/A	N/A	98	85	100	100	45	89	100	97	N/A	N/A	100	100	100	88	91	93
Twitter tweets	N/A	N/A	N/A	N/A	100	100	45	94	100	75	N/A	N/A	98	100	100	83	89	90

Reposting of posts on social media: A common problem

Although scores were not attributed to reposts during the audit, it was found that a number of cities, municipalities and RSCs very often re-disseminated unilingual posts coming from other sources.

At a minimum, these re-disseminated unilingual posts should be accompanied by a notice stating that they were written in one language only. At best, re-disseminated unilingual posts should be accompanied by this notice as well as a summary of the content of the posts written in the other language. Lastly, re-disseminated posts should have as many French as English original sources.

TABLE 9

AUDIT FINDINGS – MUNICIPALITIES (%)

Rate of Compliance of Each Version of the Website and Social Media Posts

Audit of websites conducted in January 2017

Audit of 20 most recent posts as at January 16, 2017

EV: Audit of English pages and versions

FV : Audit of French pages and versions

N/A: Social media not used

ID: Insufficient data

	Atholville		Charlo		Dalhousie		Eel River Crossing		Rexton		Richibucto		Shediac		Tide Head		Provincial Average	
	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV
Websites	88	84	94	90	90	88	67	67	91	88	98	96	97	95	88	88	89	87
Facebook posts	50	100	ID	ID	100	73	N/A	N/A	99	79	95	100	100	100	N/A	N/A	89	90
Twitter tweets	N/A	N/A	ID	ID	N/A	N/A	N/A	N/A	N/A	N/A	ID	ID	75	90	N/A	N/A	75	90

TABLE 10

AUDIT FINDINGS – REGIONAL SERVICE COMMISSIONS (%)

**Rate of Compliance of Each Version of the Website
and Social Media Posts**

Audit of websites conducted in January 2017

Audit of 20 most recent posts as at January 16, 2017

EV: Audit of English pages and versions

FV : Audit of French pages and versions

N/A: Social media not used

	Northwest RSC		Restigouche RSC		Chaleur RSC		Greater Miramichi RSC		Kent RSC		Southeast RSC		Fundy RSC		RSC 11		Provincial Average	
	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV	EV	FV
Websites	86	85	90	88	96	97	48	45	95	94	99	98	72	68	89	86	84	83
Facebook posts	29	92	100	94	100	100	N/A	N/A	100	100	100	90	100	25	N/A	N/A	88	83
Twitter tweets	N/A	N/A	N/A	N/A	100	100	N/A	N/A	N/A	N/A	100	100	100	0	N/A	N/A	100	67

PART 3

Audit of official documents

Background

It is a requirement under New Brunswick's *Official Languages Act* and Regulation 2002-63 that certain official documents (municipal bylaws, minutes of meetings, public notices, etc.) be published in both official languages. The OCOLNB therefore checked whether this requirement was being met.

Methodology

The OCOLNB prepared two questionnaires. The first one was intended for the chief administrators of the cities and municipalities and included 24 questions. The second one was intended for the chief administrators of the regional service commissions and included 16 questions. In both cases, the questions were grouped into three categories:

First Category

Questions related to official documents produced between November 21, 2015 and November 21, 2016:

- Percentage of new municipal bylaws translated (cities and municipalities only);
- Percentage of minutes translated;
- Percentage of public notices translated;
- Percentage of agendas translated (RSCs only);
- Percentage of public notices published simultaneously in both official languages.

Second Category

Questions concerning methods used to ensure fulfilment of language obligations:

- Methods used to ensure fulfilment of language obligations, particularly with respect to the translation of documents and access to translation services.

Third Category

Questions about best practices:

- Existence of a policy or written procedure concerning compliance with the OLA;
- Provision of information sessions on official languages;
- All other noteworthy practices.

Official requests

Pursuant to the Commissioner's investigative authority, the chief administrative officers of cities, municipalities and regional service commissions were asked to fill out the questionnaire and provide supporting documents before January 16, 2017. All of the chief administrators of the cities, municipalities and RSCs filled out the questionnaire.

Findings

All of the cities, except Miramichi, had perfect scores for the translation of bylaws and minutes adopted during the audit period. It should be noted that Miramichi translated none of the 53 sets of minutes adopted between November 21, 2015, and November 21, 2016. As for the translation of public notices, all of the cities had perfect scores, except Edmundston, which obtained a score of 83%. Lastly, all of the cities, except Dieppe (81%), published their public notices simultaneously in both official languages.

All of the municipalities, except for Charlo, obtained perfect scores for the translation of official documents and the simultaneous dissemination of public notices in both official languages. Charlo had a low score for the translation of new bylaws and the translation of public notices.

The regional service commissions also obtained perfect or near perfect scores (98%), except the Northwest and Greater Miramichi RSCs, which

obtained a 0% score for the translation of agendas, and the Fundy RSC, which obtained a 0% score for the translation of agendas and minutes.

TABLE 11

AUDIT FINDINGS – CITIES (%)

Percentage of Official Documents Translated and Percentage of Public Notices Disseminated Simultaneously in Both Official Languages

Audit of documents produced during the period from November 21, 2015, to November 21, 2016

(n =) number of documents adopted or produced during the period

N/A: No document adopted or produced during the period

	Bathurst	Campbellton	Dieppe	Edmundston	Fredericton	Miramichi	Moncton	Saint John	Provincial Average
New bylaws translated	100 (n = 1)	N/A (n = 0)	100 (n = 5)	100 (n = 17)	100 (n = 2)	N/A (n = 0)	100 (n = 12)	100 (n = 3)	100
Minutes translated	100 (n = 29)	100 (n = 82)	100 (n = 19)	100 (n = 17)	100 (n = 26)	0 (n = 53)	100 (n = 24)	100 (n = 32)	87
Public notices translated	100 (n = 14)	100 (n = 7)	100 (n = 13)	83 (n = 61)	99.7 (n = 1826)	100 (n = 17)	100 (n = 83)	100 (n = 182)	98
Public notices disseminated simultaneously	100 (n = 14)	100 (n = 7)	81 (n = 13)	100 (n = 61)	99.7 (n = 1826)	100 (n = 17)	100 (n = 83)	100 (n = 182)	98
Total	100	100	95	96	100	67	100	100	

TABLE 12

AUDIT FINDINGS – MUNICIPALITIES (%)**Percentage of Official Documents Translated and
Percentage of Public Notices Disseminated Simultaneously in Both
Official Languages**

Audit of documents produced during the period from November 21, 2015, to November 21, 2016

(n =) number of documents adopted or produced during the period

N/A: No document adopted or produced during the period

	Atholville	Charlo	Dalhousie	Eel River Crossing	Rexton	Richibucto	Shediac	Tide Head	Provincial Average
New bylaws translated	100 (n = 2)	0 (n = 1)	N/A (n = 0)	100 (n = 1)	N/A (n = 0)	N/A (n = 0)	100 (n = 2)	N/A (n = 0)	75
Minutes translated	100 (n = 24)	100 (n = 23)	100 (n = 90)	100 (n = 25)	100 (n = 13)	100 (n = 17)	100 (n = 16)	100 (n = 14)	100
Public notices translated	100 (n = 18)	50 (n = 2)	100 (n = 34)	100 (n = 8)	100 (n = 8)	100 (n = 139)	100 (n = 153)	100 (n = 4)	94
Public notices disseminated simultaneously	100 (n = 18)	100 (n = 2)	100 (n = 34)	100 (n = 8)	100 (n = 8)	100 (n = 139)	100 (n = 153)	100 (n = 4)	100
Total	100	62	100	100	100	100	100	100	

Quality of English and French texts

A spelling and grammar check of the English and French versions of minutes of recent meetings of cities, municipalities and RSCs was conducted as part of the monitoring of official documents. It was found during the audit that the French versions of the minutes of meetings of six municipalities, three RSCs and one city contained numerous errors, whereas only a few errors were noted in the English versions of the minutes of meetings of two cities, one municipality and one RSC.

When the audit findings of spelling/grammar checks were combined with the responses of cities, municipalities and RSCs regarding the translation of official documents, it was noted that documents produced by those with access to a certified translator or a professional translation service were usually error free.

TABLE 13

AUDIT FINDINGS – REGIONAL SERVICE COMMISSIONS (%)**Percentage of Official Documents Translated and
Percentage of Public Notices Disseminated Simultaneously in Both
Official Languages**

Audit of documents produced during the period from November 21, 2015, to November 21, 2016

(n =) number of documents adopted or produced during the period

N/A: No document adopted or produced during the period

	Northwest RSC	Restigouche RSC	Chaleur RSC	Greater Miramichi RSC	Kent RSC	Southeast RSC	Fundy RSC	RSC 11	Provincial Average
Agendas translated	0 (n = 4)	100 (n = 23)	100 (n = 10)	0 (n = 8)	100 (n = 9)	100 (n = 9)	0 (n = 9)	100 (n = 13)	62
Minutes translated	100 (n = 4)	100 (n = 23)	100 (n = 10)	100 (n = 8)	100 (n = 9)	100 (n = 9)	0 (n = 9)	100 (n = 13)	87
Public notices translated	98 (n = 116)	100 (n = 49)	100 (n = 70)	100 (n = 3)	100 (n = 135)	100 (n = 24)	100 (n = 9)	100 (n = 8)	100
Public notices disseminated simultaneously	100 (n = 116)	100 (n = 49)	100 (n = 70)	100 (n = 3)	100 (n = 135)	100 (n = 24)	100 (n = 9)	100 (n = 8)	100
Total	74	100	100	75	100	100	50	100	

Best practices

As part of the audit, the OCOLNB asked cities, municipalities and regional service commissions to share their best practices with respect to official languages, i.e., practices that went above and beyond the respect of their language obligations set

out in the *Official Languages Act* and Regulation 2002-63. The following table summarizes the best practices submitted to the OCOLNB by the cities, municipalities and RSCs.

Table 14 Official Languages Best Practices Identified by Cities, Municipalities and Regional Service Commissions			
Practice	City	Municipality	RSC
Existence of a policy or written procedure concerning compliance with the OLA and the Regulation	Dieppe Moncton Fredericton		Northwest RSC Greater Miramichi RSC Southeast RSC
Existence of a policy or written procedure concerning the simultaneous publication or dissemination of information in both official languages	Moncton Fredericton		Southeast RSC
Information sessions on the language obligations of cities, municipalities and RSCs provided to councillors or members of RSC boards of directors	Edmundston Dieppe Moncton	Eel River Crossing Richibucto	Southeast RSC
Information sessions on the language obligations of cities, municipalities and RSCs provided to employees	Dieppe Moncton	Richibucto	Southeast RSC
Other highlighted practices	Dieppe: Assessment of English and French proficiency (oral and written) of each applicant in a hiring process Miramichi: Establishment of links with the Francophone community Fredericton: Minimum time frame set for producing bilingual documents	Atholville: Bilingualism a requirement in all job postings	Kent RSC: All employees are bilingual and all competitions require bilingual applicants. Fundy RSC: French course offered to employees

Conclusion

Based on the findings of the OLA compliance audit, the Commissioner of Official Languages for New Brunswick makes the following recommendations:

- That the Minister of Environment and Local Government set up a government working committee with a mandate to review the OCOLNB audit findings and propose targeted measures to the Minister, to correct the identified deficiencies;
 - That the Minister of Environment and Local Government set up a provincial-municipal committee with a mandate to:
 - review Regulation 2002-63 of the OLA in order to expand the language obligations of cities, municipalities and RSCs subject to the OLA,
 - propose a way forward and a schedule for the implementation of new language obligations;
 - That cities, municipalities and RSCs subject to the OLA take appropriate measures to ensure that their employees greet the public in both official languages at all times and that signs announcing bilingual services be placed at all points of contact with the public;
 - That cities, municipalities and RSCs subject to the OLA verify, on a regular basis, the quality of the delivery of their services to the public in both official languages and that measures be taken to ensure that these services are of equal quality in both official languages;
- Taking advantage of the audit methodology developed for social media by the OCOLNB:
- That the Executive Council Office develop guidelines for social media and official languages. These guidelines, intended for all organizations subject to the OLA, would provide a framework for the use of social media so that the obligations set out in the *Official Languages Act* are fully respected.

SPEAKING WITH SENIOR MANAGEMENT, YES, BUT IN WHICH LANGUAGE?

Results of a study on the use of French in communications between Francophone organizations and municipalities and senior management of government departments and agencies in New Brunswick

New Brunswick has many organizations representing various groups and activity sectors in the Acadian and Francophone community. These groups often have to communicate with the managers of departments, Crown corporations, or other organizations to promote and defend the interests of the people they represent. According to a survey administered by the Office of the Commissioner to 21 representatives of these organizations, only four of them said that French was always used during meetings with senior public servants. Moreover, the respondents established a direct link between unilingualism among senior public servants and the inability to use French at meetings.

Introduction

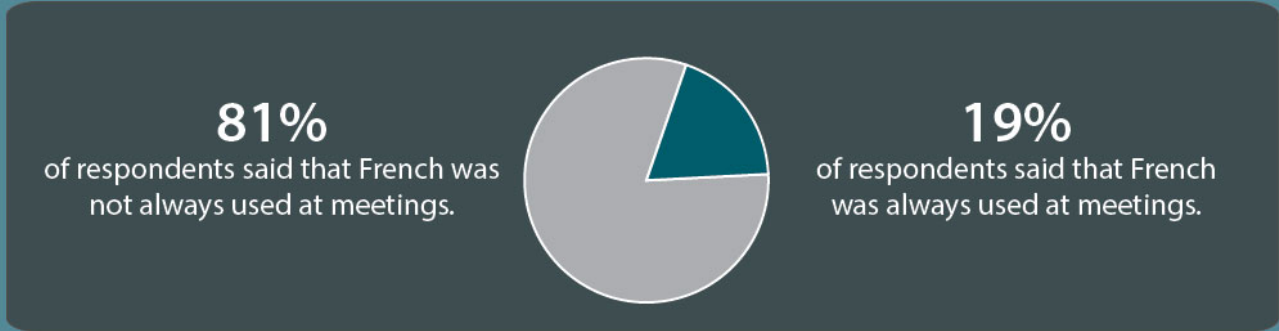
The *Official Languages Act* of New Brunswick gives people the right to communicate with any institution and to receive its services in the official language of their choice. This raises the question of whether representatives of Francophone organizations are able to use French when meeting with senior management of government departments and agencies in New Brunswick. What means are used to ensure they are able to exercise their right to use this language? What are the obstacles to using French during meetings? What measures could be taken to overcome these obstacles? Are organizations afraid that asking to meet in French could be harmful to their interests? These are the questions that led to this study.

This study complements a survey of the bilingual capacity of New Brunswick's senior public service (Part 1), which was presented in the 2014-2015 annual report of the Office of the Commissioner. That survey took stock of bilingualism among senior managers and found that approximately half of senior public servants were bilingual and that the other half were unilingual English. It is therefore fitting to document the experience of external stakeholders in an effort to determine the extent to which they are able to communicate in French with the senior public service. It was not considered necessary to document communications between Anglophone organizations and municipalities and the senior public service, given that half of the senior public servants speak English and the other half are bilingual.

[ALL QUOTES REPRODUCED IN THIS SECTION WERE TRANSLATED FROM FRENCH INTO ENGLISH.]

Highlights

Use of official languages at meetings* with senior managers of government departments and agencies in New Brunswick




4 respondents out of 21
stated that French was always used at meetings.


11 respondents out of 21
stated that French was used most of the time at meetings.

9 respondents out of 21
stated that English was often or sometimes the only language used at meetings.

11 respondents out of 21
stated that both official languages were often or sometimes used at meetings.



17 respondents stated they wished French was used more at meetings with senior public servants.



4 respondents stated that French was always used at meetings with senior public servants.

*Face-to-face meetings, conference calls, or videoconferences held during the past two years
Compilation of the responses of the 21 survey respondents

Objectives

The aim of this study was to collect quantitative and qualitative information about the use of French in communications between Francophone organizations and municipalities and senior management of government departments and agencies in New Brunswick . More specifically, the study sought to

- obtain indications concerning the use of French in communications with senior management;
- identify the factors influencing the use of English and French;

- identify obstacles to using French;
- identify measures to overcome these obstacles.

The study did not seek to present a complete statistical portrait of the use of French in communications between Francophone organizations and the senior provincial public service. Such a portrait would have required an entirely different approach.

Methodology

To collect the data required for this study, the Office of the Commissioner conducted a telephone survey of some twenty representatives of Acadian and Francophone organizations, including municipalities with a predominantly French-speaking population.

The invitation to participate was sent, in the case of organizations, to either the executive director or the president, and in the case of municipalities, to either the mayor or the chief administrative officer.

Respondents were informed that their identity would not be disclosed.

The survey was carried out between February 14 and March 6, 2017. Average conversation length was 30 minutes. Conversations were recorded with the respondents' permission to facilitate note taking and response analysis.

A total of 21 individuals answered approximately 20 questions (multiple-choice or open-ended) divided into three categories:

- 1. Oral communications:** Language(s) used during meetings (face-to-face meetings, conference calls, or videoconferencing); offer to proceed in the language of choice made in advance (active offer); offer to use a professional interpretation service; translation provided by a bilingual public servant; factors influencing language choice (for the organization); desire to make more frequent or exclusive use of French; fear of reprisal if French used.
- 2. Written communications:** Language(s) used in the organization's documents (letters, emails, and briefs); language(s) used in government documents (letters, emails, and briefs); factors influencing written language choice (for the organization); desire to make more frequent or exclusive use of French; fear of reprisal if French used.

3. Knowledge of rights and improvement of practices: Views regarding application of the OLA to communications with the senior public service; predisposition to use French when encouraged by senior public servants; continuation or non-continuation of current practices if the organizations were informed of their right to choose the language of communication (active offer); suggestions for improving the use of French in

communications with senior management; best practices concerning the use of French at meetings with senior public servants.

The Office of the Commissioner wishes to note the respondents' keen interest in the study. They were eager to participate and did not hesitate to provide many details about their experiences. The Office of the Commissioner wishes to thank all respondents for their valuable contribution to this important initiative.

Definitions

Senior public servant and senior public service

For the purposes of this study, the term "senior public servant" refers to an executive director, an assistant deputy minister, or a deputy minister. The term "senior public service" refers to all senior public servants.

Senior management

For the purposes of this study, the term "senior management" refers to the minister and senior public servants of a provincial department or government organization.

Meetings

These are meetings (face-to-face meetings, conference calls, or videoconferencing) between a respondent, alone or with other stakeholders, and the senior management of a department.

Findings of the study

Use of French

The vast majority of survey respondents, i.e., 17 out of 21, said they wished French was used more at meetings with senior public servants. That wish is not surprising given that only four respondents said French was always used at meetings with senior management.

Yet there is some bilingual capacity within the senior public service. Half of the respondents said that French was used most of the time, whereas a quarter indicated that French was often or sometimes used during meetings with senior public servants.

Use of both official languages

Eleven respondents out of 21 reported meetings with senior public servants at which English and French were used often or sometimes. However, only four respondents have attended bilingual meetings where simultaneous interpretation was available.

In the absence of simultaneous interpretation, various practices were used. In some cases, the respondents would express themselves in French, and the senior public servants would reply in English. In other cases, a bilingual public servant would translate what the participants said into the other language (generally English). Some respondents said they would repeat in English what they had first said in French. Others spoke partly in English when the conversation pertained to technical matters.

The use of both languages at a meeting where simultaneous interpretation was not available was often a prelude to a meeting that would ultimately take place in English only. It was not unusual for the respondents to switch to English because the use of both languages slows down communications since anything said in French has to be translated into English.

Use of English

Nearly half the respondents said that English was often or sometimes the only language used at meetings with senior public servants.

Choice of French by respondents

All the respondents said they preferred to use French in their oral and written communications. For the vast majority of them, this preference can be explained first and foremost by the fact that French is their mother tongue and they can express themselves better in that language. Their organization's working language (French) and their desire to contribute to the vitality of this language were also mentioned as factors by the respondents.

Invitation to use French

More than half of the respondents reported meetings where senior public servants invited the participants to use the official language of their choice. Some respondents said that this practice seems to be more common now than it was in the past. A quarter of the respondents indicated that they had not been issued an invitation to use French because their language choice (French) was already known before the meeting.

Although appreciated by the respondents, the invitation from senior public servants to use either official language often seems to be merely a matter of form because, in actual fact, it is not always accompanied by means that allow for the effective use of French. A number of respondents noted that senior public servants are not sufficiently bilingual to fully understand what they are saying.

A large majority of respondents thought they would be more inclined to use French at meetings if, beforehand, senior public servants encouraged them to use that language. In response to an additional question on this topic, many respondents indicated that, to be meaningful, such an invitation should be accompanied by actual bilingual capacity on the part of the senior public servants or the availability of interpretation services.

Communication that is not clear

A number of respondents expressed concerns about the clarity of their exchanges with senior public servants. These concerns arise from two findings: first, some senior public servants who say they are bilingual are clearly not sufficiently proficient in French; second, a number of respondents were aware that the use of English limits their ability to express themselves with all the subtlety required by the complexity of the issues they are dealing with.

Groups asserting themselves

The use of French at meetings seems, in some cases, to be influenced by the determination of the respondents to express themselves in French. In other words, those who have made the use of French a clear principle seem to have had a better chance to be able to use this language.

A number of respondents were perplexed about the use of French at meetings with the senior management. Some of their responses show that they are aware of the importance of using French to ensure the language's vitality.

However, the “weight” of English, a legitimate concern about being understood, and a lack of translation services are all factors that result in their having to switch to English.

Written communications

The vast majority of those interviewed during this survey said that French was their usual language of written communications. In general, this language choice by organizations is respected by senior public servants. However, three elements should be noted.

First, just over a third of the respondents said they sometimes use English or both languages in emails to compensate for the unilingualism of English-speaking senior public servants.

Second, a quarter of the respondents reported that they had received documents or draft government documents in English only.

Third, several respondents believed that the use of French in their written communications could lead to delays, which would not be the case had they chosen to write in English.

Right to communicate in language of choice

All the respondents, with the exception of one, believe that the *Official Languages Act* of New Brunswick gives them the right to request that meetings be held in the official language of their choice. Although three quarters of the respondents said they were not afraid that requesting communications in French would be harmful to the interests of their organization, the comments made by several respondents would suggest that there is some reluctance to require the use of French. It should be recalled that only a minority of respondents use French exclusively during meetings with senior public servants.

Obstacles to the use of French

The unilingualism of a senior public servant or a minister is definitely the main obstacle to the use of French at meetings with senior management. However, it is not the only one. Half of the respondents said that the level of French-language proficiency among bilingual senior public servants was not sufficient for in-depth discussions in French, which would result in their using English. Furthermore, a quarter of the respondents said that the use of French could result in the exclusion from meetings of senior public servants responsible for a particular issue, thus affecting discussion quality. In some cases, despite the presence of bilingual senior public servants, the presence of other unilingual Anglophone stakeholders (e.g., experts in a

particular field) would prompt the group, often a working group, to use English.

Bilingualism among senior public servants

The respondents established a direct link between unilingualism among senior public servants and the inability to use French at meetings. Language training and a bilingualism requirement for senior management positions were the main means suggested for increasing the use of French.

Most respondents did not expect ministers to be bilingual. However, according to them, a minister's unilingualism should not prevent the representatives of organizations from expressing themselves in French.

About the linguistic capacity of ministers

Although desirable, bilingualism is not a requirement for becoming a minister. This can be explained by the fact that knowledge of both official languages is not a criterion to be a candidate in provincial elections.

However, ministers lead institutions that are subject to the *Official Languages Act*. Consequently, if a group wishes to meet with a minister and that minister does not speak the language used by the representatives, at the very least, professional interpretation services should be provided.

Analysis

“When dealing with delicate or thorny issues, it is not the best solution to use a language in which one is not comfortable.”

A participant

A situation that is not consistent with the equality of the two official languages

It is clear that, even though there is some bilingual capacity within the senior public service, it is not sufficient to guarantee the use of French in the various types of communications. Even today, despite the progress that has been made with respect to official languages, Francophones have to speak English to compensate for the unilingualism of certain senior public servants. Contrary to what should be observed, responsibility for effective communication often seems to fall on the shoulders of members of the public rather than institutions. One respondent said he felt he had to make up for senior public servants’ lack of French-language skills.

The current situation regarding the use of French in communications with senior management of provincial government departments demonstrates that they do not fully apply the provisions of the OLA during meetings with representatives of Francophone organizations.

A question of law and ease

Whatever the reasons behind a person’s language preference, the Act clearly provides that members of the public “have the right to communicate with any institution and to receive its services in the official language of their choice.” This right applies

without restriction to any representative of an organization who wishes to communicate with the senior management of a department. Consequently, representatives should be able to choose the language used in communications, and it is up to the senior public service to ensure that this right is respected.

The fact that a person is bilingual does not take away that right or make it any less relevant. In fact, the study presented here dispels the myth that all Francophones are bilingual and therefore, as a result, the use of English does not affect the quality of exchanges. On the contrary, Francophones are far from being insensitive to this situation. One respondent said, “I don’t have any problems with English vocabulary; I read in English. My level of bilingualism in terms of vocabulary is quite high. In terms of oral expression, it’s lower because I use it less on a daily basis. As a result, to express myself clearly when speaking, it’s preferable to use French.”

“I’ve spent too much time working in the Francophonie, defending French in my professional life to end up in New Brunswick, sitting across from senior public servants and not being able to express myself in my language. For me, this is an aberration that I point out to them every time it happens.”

A participant

Several respondents noted that the quality of exchanges suffers because English is not their mother tongue. For some, poor knowledge of English terminology is an obstacle to clear communication. For others, it is the feeling of not being able to fully express their thoughts that affects the quality of the exchange. Lastly, for a number of respondents, communication is diminished by the lack of comfort and spontaneity associated with the use of second language. One participant noted that “there are emotions that flow better in French” and that “when dealing with delicate or thorny issues, the best solution is not to use a language in which one is not comfortable.” All of these factors create a legitimate concern for respondents about the clarity of their exchanges with senior public servants. “Speaking your own language means one less stress factor,” said one participant.

Using French and having the impression of weighing down the process

A large majority of respondents preferred to use French because it is the language in which they feel most comfortable and can clearly express their message or viewpoint. However, that was not the only reason given. A number of respondents wanted to use French because that was their way of contributing to the vitality of the language and showing its relevance. But doing so could prove difficult because, when unilingual Anglophones are

present and no simultaneous interpretation is available, the use of both official languages makes exchanges more cumbersome. As a result, a feeling of resignation, or worse, of guilt, is sometimes noted in bilingual Francophones who opt to use French. Such a feeling can be seen in the comments made by several respondents, including the following:

“I’d like to be able to continue the conversation in my language of choice as was announced at the start of the meeting. Except that isn’t always easy. And if simultaneous translation isn’t available and I express myself in French, and I know there are people around the table who don’t understand French, what happens then? I don’t need simultaneous interpretation myself, but the other people around the table can’t use it if it isn’t available. They can’t understand. So what do we do in that case as Francophones?”

This respondent believed that, if, despite everything, she expressed herself in French, she may be perceived as a troublemaker, particularly since she is bilingual. And if she were to proceed in French, her comments would have to be translated by a bilingual public servant, which slows down the process. She also noted that this public servant would not be a professional interpreter and might provide the others with an inaccurate translation.

In such a situation, the survey respondents believed that it was up to the senior public service to do whatever was necessary to create an atmosphere that promotes the use of the official language chosen.

Openness, but poor communication

According to several respondents, the senior public service makes an active offer more than it used to, i.e., offering to proceed in their official language of choice. This practice is definitely a step in the right direction in that it enables citizens to exercise their language rights. It also shows greater sensitivity to the equality of the two languages on the part of the senior public service. In fact, the survey showed that, if senior public servants encouraged participants to use French right from the start, a large majority of them would be more inclined to use this language during meetings. However, this invitation is sometimes issued only as a matter of form.

One participant described the situation by referring to a meeting at which senior public servants offered to proceed in her language of choice, while indicating that they understood French less well than English. The respondent proceeded in French, and the inevitable happened: the senior public servants lost the thread of the conversation. “So we automatically switched to English,” concluded the participant.

What is the point of inviting Francophones to use their official language of choice if, in the end, this choice is not respected? There is reason to believe that, in certain cases, senior public servants are betting that a desire for accuracy and efficiency will prompt many Francophones to switch to English.

Clarity of communications with senior public servants is definitely one of the main concerns identified by the study. When it is clear that a senior public servant is not sufficiently proficient in French, a number of respondents will switch to English in the hope that their message will be fully understood. Other respondents will deliver their message first in French and then in English. One participant who opted to stick to French used a different method: after a meeting, he sent a deputy minister a summary in French of the discussion, inviting him to react if his comments had not been fully understood. All of these situations show that the respondents must compensate for the unilingualism of some senior public servants.

A concern with being understood by government officials often takes precedence over the respondents’ language preferences. Several of them therefore acknowledged that they felt forced to express themselves in English in the presence of senior public servants who were not proficient enough in French, particularly when the issues were important or the discussion was focused on technical matters.

The use of non-professional interpreters

Ensuring the effective use of French during meetings requires sufficient bilingual capacity among senior public servants or the use of professional interpreters. It is therefore not surprising that some departments rely on bilingual staff to translate the participants’ comments rather than calling upon professional interpretation services. These staff members do not necessarily have the training required to perform this task. Also, such a practice does not ensure quality communications in accordance with the principle of the equality of the two official languages. Furthermore, this process slows down exchanges and creates one more obstacle to the use of French. There is reason to question why simultaneous interpretation is not used more to compensate for the unilingualism or the inadequate level of competence in French among senior public servants.

The survey shows that many meetings take place in both languages without professional interpretation services. In such a context, each participant is asked to express himself or herself in his or her language of choice. Some respondents stated that they could express themselves in French but that the senior public servants responded in English. It should be noted here that such a practice is not in accordance with the *Official Languages Act*. Indeed, the Act guarantees that members of the public have the right to communicate in the language of their choice, i.e., to express themselves and receive a reply in the language of their choice. Furthermore, passive bilingualism (the senior public servant understands French but does not speak it) does not ensure clear communication. How can stakeholders know if a senior public servant has understood their message if no feedback is provided in their language? A bilingual senior public servant must not only understand both official languages but must be able to speak them at competency levels sufficient to carry on a conversation about issues involving his or her department.

Written communications: everything is not perfect

Written communications clearly pose fewer problems. One respondent said that he would give the province very high marks for using French in written communications, noting a considerable improvement over the past 20 years. In his view, the government has learned to be “systematic.” However, it should be noted that challenges remain. Although the French versions are generally satisfactory, one participant noted that he had seen texts where the quality left a lot to be desired. He wondered whether they had been translated by Google Translate.

In addition, some respondents said they used English in their correspondence because a senior public servant was a unilingual Anglophone. Last of all, some respondents lamented the fact that the French version always comes after the English version when the two versions of a document are not released at the same time. “My colleagues never receive a document in French first, followed by the final English version,” he said. “That never happens.”

Obstacles that are not insurmountable

Yet obstacles to using French are not insurmountable, as demonstrated by the fact that some respondents always or often use French at their meetings with senior management. It should be noted that some best practices were mentioned by respondents, who, in comparing the past and the present, noted considerable improvement in government communications and in the attitude of senior public servants. “They see us coming,” said one survey participant. One respondent recalled that a premier used to insist that meetings take place in French, even though his minister did not speak French. Another respondent welcomed the second-language progress made by the senior public servants with whom he works closely:

“Their French has improved by 250%. These were people in their 50s; they decided that French was necessary for doing their work and, on their own initiative, they learned French. You don’t hear much about these success stories. When you meet with them, they insist that the meeting take place in French. You never saw that before.”

Yet it is clear that more progress needs to be made as the majority of survey respondents wanted French to be used more or exclusively in oral and written communications with the senior public service.

Awareness and support

There is every reason to believe that the senior public service is not sufficiently aware of its language obligations. One participant noted that, “People aren’t fully aware of the scope of the *Official Languages Act*. They don’t understand the importance of offering service in both official languages at all times.” Another participant noted the importance of making unilingual Anglophone senior public servants aware of the fact that people who request service in their language do not do so to be troublemakers: “First of all, it’s a right; second, it’s easier to understand technical information in your mother tongue.”

There is no question that the very nature of the relationship between a representative of an

organization (who is defending and promoting the interests of the organization) and a senior public servant (who may award or deny government support) weakens the real power of Francophone organizations to demand communications in French. A number of respondents seemed to be perplexed about the consequences of demanding French during meetings. One respondent admitted that he did not demand that communications take place in French “because we want our files to move forward [...] we’re asking for funding.” Another participant said that this “could work against us in the end.” This means that it is even more important to introduce measures to support and guarantee the use of participants’ language of choice at meetings with the senior public service.

“How do they think I learned English?”

A participant commenting about the fact that some senior public servants are unilingual.

The unavoidable issue of bilingualism among senior public servants

Despite their marked preference for the use of French, it should be noted here that half of the respondents said they opted for one official language or the other depending on the language skills of the senior public servant or minister present at the meeting. As a result, unilingualism among senior management will have a direct impact on the language used during a meeting.

A number of respondents believed that bilingualism should be a key competency for accessing senior management positions. One participant summarized this idea as follows:

“Linguistic capacity in the only officially bilingual province must absolutely become an essential competency for doing the job. Why do we require that senior public servants have a Master’s degree in public administration, a qualification for doing the job. [...] But we accept that, in 33% of their interactions with the public, they are unable to

communicate in the language of that group? Unacceptable. This would not be acceptable in any other context.”

One respondent believed that she would not be able to carry out her duties as the chief administrative officer of a municipality if she were not bilingual. In her view, unilingualism in French would result in a “major communication problem,” so she does not understand why bilingualism is not a requirement for senior public servants.

Another participant suggested adopting measures and timelines to ensure the province has a bilingual senior public service. The same respondent took exception to the idea that Anglophones do not have opportunities to learn French, adding, “How do they think I learned English?”

Last of all, many respondents noted the importance of language training.

About the different types of professional interpretation

Consecutive interpretation: Generally used for testimony in court and before tribunals. One person speaks and then stops speaking to give the interpreter a chance to render the message. No equipment is needed for this type of interpretation.

Simultaneous interpretation: This is used at conferences, meetings, and training sessions. The interpreter and the speaker talk at the same time. Simultaneous interpretation requires equipment and the assistance of a technician, as well as a team of interpreters who take turns interpreting.

Whispered interpretation: The interpreter whispers the interpretation to one or two people during a short period of time. No equipment is required.

Simultaneous interpretation without a booth: Form of simultaneous interpretation where the interpreter uses a portable device to provide the service. The interpreter works directly in the room rather than in a booth and plays a dual role: that of interpreter and technician. For technical and logistical reasons, this form of interpretation works only into one language rather than into both (for example, from French to English or from English to French, but not in both directions at the same time).

Remote interpretation: Remote interpretation is when interpreters are not present in the room. They offer the service from outside through teleconferencing or videoconferencing. Remote interpretation requires equipment and the assistance of a technician, as well as a team of interpreters who take turns interpreting.

Source: Translation Bureau (Service New Brunswick)

Conclusions and Recommendations

“If you really want to be egalitarian, your public service has to be able to function in the same language as the person speaking. And if you aren’t functioning in the same language as the person speaking, then I think that person is at a disadvantage when it comes to interacting with the public service.”

A participant

As official languages, English and French have equal status in New Brunswick. However, the survey presented here shows that, when French is the language chosen by external stakeholders, the senior public service of New Brunswick cannot guarantee communications in that language.

Of all the respondents in the survey, only a minority saw their language preference always respected by senior management. As for the other respondents, they were often required to switch from their preferred language to the language understood and spoken by the senior public servants taking part in the discussions, i.e., English.

The language competencies of senior public servants are the main obstacle to the use of French. In addition to that obstacle, the lack of professional interpretation services at meetings makes communication in French difficult. Such a situation is not in keeping with the spirit or letter of the *Official Languages Act*. Measures to remedy this situation are therefore required. With respect to the results of the study, the Commissioner makes the following recommendations:

Recommendations

- That the New Brunswick government implement the recommendations of the Commissioner of Official Languages (see text box on next page) concerning a bilingualism requirement for the appointment of new deputy ministers, assistant deputy ministers, and senior executives (Pay Bands 8 to 12).
- That the New Brunswick government revise its language of service policy to include measures that apply to meetings between government representatives and citizens. The objective is to identify a course of action that guarantees citizens quality communications in both official languages. Such measures could include active offer of service and the use of professional interpretation if the members of the senior public service are not sufficiently proficient in the language chosen by the citizens.
- That the New Brunswick government put an immediate end to the practice of sending out draft government documents in only one official language.

Recommendations of the Commissioner concerning bilingualism of senior public servants

From the 2014-2015 Annual Report of the Office of the Commissioner of Official Languages for New Brunswick (pages 31-32)

Deputy Ministers and Assistant Deputy Ministers*

That, over the next four years, all competitions for and staffing of deputy minister and assistant deputy minister positions 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 and assistant deputy minister positions.

Other senior public servants*

That, over the next four years, all competitions for and staffing of 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 executive positions.

Second-language training

Senior public servants account for roughly 3% of all employees in government departments and agencies (Part 1). However, 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.

IMMIGRATION AND OFFICIAL LANGUAGES

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 this regard, it is important to note that immigration plays an increasingly important role in the vitality of the two official languages. The Commissioner's interventions with respect to immigration are therefore aligned with this promotional role. Also, it should be noted 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.

Language commissioners call for concrete measures concerning Francophone immigration

The Interim Commissioner of Official Languages for Canada, Ghislaine Saikaley, along with her New Brunswick counterpart, Katherine d'Entremont, and the French Language Services Commissioner of Ontario, François Boileau, have reminded the federal and provincial governments of the importance and urgency of implementing concrete measures to foster immigration to Francophone minority communities.

The language commissioners conveyed this message to the ministers responsible for the Canadian Francophonie and the ministers responsible for immigration who were gathered for the first federal-provincial-territorial forum on Francophone

immigration, held in Moncton on March 30 and 31, 2017.

Commissioner d'Entremont emphasized that the Anglophone and Francophone communities of New Brunswick have equal constitutional status. Consequently, the immigration policies and programs of both levels of government must ensure that the demographic weight of the Francophone community, which makes up one third of the population, is maintained. To do this, the Commissioner believes that increased cooperation between the two levels of government is essential.



The language commissioners addressing the ministers responsible for the Canadian Francophonie and the ministers responsible for immigration who were gathered for the first federal-provincial-territorial forum on Francophone immigration, held in Moncton on March 30 and 31, 2017. Photo: Daniel St Louis

The language ombudsmen believe that the four principles they set out in 2014 to guide government actions with respect to immigration are still relevant:

- Immigration must help maintain, and even increase, the demographic weight of Canada's Francophone communities.
- Federal, provincial, and territorial immigration policies and programs must be designed and tailored to address needs with respect to the recruitment, integration, training, and retention of Francophone immigrants in Francophone communities.
- Strong federal-provincial-territorial-community partnerships and long-term strategies are needed to ensure that immigration supports the development and vitality of Francophone communities.
- All levels of government must develop an evaluation and accountability framework to measure progress and to ensure that immigration objectives in Francophone communities are achieved.

Concerted approach to Francophone immigration

On March 31, 2017, in Moncton, the governments of Canada and New Brunswick signed an immigration agreement that includes an annex on Francophone immigration, the first of its kind. It outlines how Canada and New Brunswick will work together to attract and retain French-speaking immigrants and bring in more skilled workers.

In a news release announcing the agreement, the Minister of Post-Secondary Education, Training and Labour of New Brunswick stated:

“I am very pleased that New Brunswick is the first province to have negotiated a Francophone immigration annex. Maintaining the unique linguistic makeup of our province is a priority, and we believe the annex will ensure that the federal and provincial governments take Francophone

immigration into account when developing new programs and policies.”

Commissioner d’Entremont is pleased with the signing of the Francophone immigration annex as the Commissioner has been recommending such a measure for a number of years.

Furthermore, Commissioner d’Entremont welcomes the improvements to the Express Entry system, Canada’s flagship application management system for certain key economic immigration programs. Starting on June 6, 2017, additional points will be awarded to candidates who have strong French-language skills.

Excerpts from Annex B: French-Speaking Immigrants (Canada-New Brunswick Immigration Agreement)

Preamble

- 1.1 **WHEREAS** Canada and New Brunswick have a mutual interest in attracting and retaining French-Speaking Immigrants.
- 1.2 **AND WHEREAS** Canada recognizes New Brunswick as the only officially bilingual province within Canada.
- 1.3 **AND WHEREAS** Canada recognizes the objectives of New Brunswick, which include:
 - a. attracting French-Speaking Immigrants to New Brunswick to maintain the unique linguistic balance of the province; and
 - b. partnering with the Government of Canada in pursuit of achieving New Brunswick’s goal of increasing the number of French-Speaking Immigrants.

Provincial immigration results

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 Francophones or Francophiles by 2020. To do this, an annual increase of 3% is planned, with an intermediate target of 23% for 2017.

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 can select qualified business people and skilled workers from around the world who want to live in New Brunswick and contribute to the provincial economy.

The table below shows the number of nominee certificates delivered through the NBPNP, broken down according to the official language(s) spoken by candidates over the last four years.

New Brunswick Provincial Nominee Program

NUMBER OF NOMINEE CERTIFICATES DELIVERED
(by official language(s) spoken and fiscal year)

French-Speaking Candidates

2013-2014: 1.3%
2014-2015: 7.4%
2015-2016: 18%
2016-2017: 11%

Bilingual Candidates (English and French)

2013-2014: 6.9%
2014-2015: 5.3%
2015-2016: 2%
2016-2017: 6%

English-Speaking Candidates

2013-2014: 91.8%
2014-2015: 87.3%
2015-2016: 80%
2016-2017: 81%

Source: Government of New Brunswick

CHANGES TO THE *OFFICIAL LANGUAGES ACT*

COMING INTO FORCE OF THE LAST AMENDMENT TO THE ACT RESULTING FROM THE 2013 REVIEW PROCESS

Complainants now protected from reprisal

Any person who files a complaint with the Office of the Commissioner or cooperates with an investigation conducted by the OCOLNB is now protected from reprisal. On December 31, 2016, a new provision of the *Official Languages Act* prohibiting reprisal came into force.

It was necessary to wait more than three years for this change made to the Act in 2013 to finally come into force.

This new protection arose from the last review of the Act. At the time, the then Commissioner had recommended the addition of such a provision after he noted that some people were reluctant to file complaints with the Office of the Commissioner, fearing possible reprisal. That recommendation was adopted by the legislator, and a provision against reprisal was included in Bill 72, which amended the

Official Languages Act in 2013. However, this provision did not come into effect immediately, nor in the months that followed.

Over the past few years, the Commissioner has reminded the government several times of the importance of bringing this provision into force. In late 2016, the government finally acted on that request.

Protection from reprisal is the last provision arising from the 2013 review process to come into force.

Next review of the OLA

The next review of the *Official Languages Act* must be completed by December 31, 2022. The Premier of New Brunswick, being responsible for the administration of the Act, is also responsible for undertaking the review.

Official Languages Act of New Brunswick **Protection from reprisal**

43.1 No person shall take a reprisal against a person or direct that one be taken against a person because the person has made a complaint in good faith to the Commissioner or cooperated in an investigation under this Act. 2013, c.38, s.1

New Brunswick Regulation 2015-67 under the *Official Languages Act* **(O.C. 2015-290)**

Offence

4 A person who violates or fails to comply with section 43.1 of the Act commits an offence punishable under Part 2 of the *Provincial Offences Procedure Act* as a category D offence.



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

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city — cité

communication and 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

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cité — city

communauté linguistique — linguistic community

communication et communiquer — communication and

communiquer

cour — tribunaux

institution — institution

linguistic community — communauté linguistique

municipalité — municipality

langues officielles — official languages

publication et publié — publication and published

services publics — public service

sociétés de la Couronne — Crown Corporation

tribunaux — court

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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 the Commissioner's own initiative. If the Commissioner determines that a complaint is founded, recommendations may be made in the investigation report to improve compliance with the OLA. The Commissioner makes every effort to follow up on complaints as soon as possible by first determining the admissibility of each complaint and then, when appropriate, intervene with the institutions concerned. The Commissioner works discreetly and in a spirit of co-operation with the institutions concerned and favours a supportive and collaborative approach. However, the Commissioner will not, if confronted by a blatant lack of co-operation 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 describes the procedure for filing a complaint. All complaints received are considered confidential, and the Office of the

Commissioner takes all necessary steps to safeguard the anonymity of complainants.

Under subsection 43(11) of the OLA, the Commissioner may refuse to investigate or cease to investigate any complaint if, in the Commissioner's 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 such a decision.

If the complainant is not satisfied with the Commissioner's findings after carrying out an investigation, he or she may seek a remedy before the Court of Queen's Bench of New Brunswick. A judge may decide on the remedy that he or she deems fair and appropriate in 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 Office of the Commissioner. However, such a process entails costs for the person initiating it.

Investigations target institutions, not their employees

Investigations conducted by the Office of the Commissioner are designed to shed light on breaches of the *Official Languages Act* and, if necessary, to make recommendations to prevent them. Since institutions are responsible for providing bilingual service and managing their human resources to achieve this, it is the institutions that are targeted by the investigations of the Office of the Commissioner, not their employees. In other words, it is always the institution that is addressed by the Office of the Commissioner, and it is the administrative head of the institution who must answer for the alleged breaches of the Act on behalf of the institution.

FOLLOW-UP TO THE SYSTEMIC INVESTIGATION ON SECURITY SERVICES IN GOVERNMENT BUILDINGS

The provincial government has implemented a key recommendation made by the Commissioner

In March 2016, Commissioner d'Entremont published an investigation report on security services in government buildings. The report revealed that the contract between the provincial government and the security company, the Canadian Corps of Commissionaires, did not contain a provision on the obligation to provide bilingual services.

To ensure compliance with the Act, the Commissioner recommended that the contract between the government and the security companies henceforth include a clause that clearly states the obligation to provide a service of equal quality in both official languages. The Commissioner also recommended that the government conduct regular compliance audits to ensure that security companies respect their language obligations.

In the months following the publication of this investigation report, Commissioner d'Entremont raised the importance of implementing these recommendations a number of times. This was particularly the case during a meeting with the Clerk of the Executive Council and Head of the Public Service in September 2016, and also during a meeting with provincial Deputy Ministers and the Clerk in the same month.

On November 18, 2016, the Clerk of the Executive Council, Judy Wagner, asked Deputy Ministers to add the following provision to all service contracts with a third party: "The Supplier engaged to deliver services on behalf of the Government of New Brunswick must ensure compliance with the *Official Languages Act* in the delivery of those services."

In early April 2017, Commissioner d'Entremont asked the Deputy Minister of Transportation and Infrastructure for a copy of the contract between the Department and the Corps of Commissionaires. The purpose of this request was to determine whether the Commissioner's recommendation and the Clerk's directive regarding third-party contracts had been implemented by the Department responsible for security services in government buildings.

On May 15, 2017, the Deputy Minister of Transportation and Infrastructure sent a copy of the contract to the Commissioner. A review of the document revealed that this provision had been incorporated into the contract.

Complaints received between April 1, 2016, and March 31, 2017

Between April 1, 2016, and March 31, 2017, the Office of the Commissioner received 346 complaints. Of that number, 114 were admissible, with 92 based on lack of service in French and 22 on lack of service in English. A total of 232 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. In

addition, the Commissioner's office received 71 requests for information.

Investigation initiated by the Commissioner

During the same period, the Commissioner initiated one systemic investigation, that is, a compliance audit of cities as well as municipalities and regional service commissions with language obligations under the OLA (see page 16).

Main steps in the complaint-handling process

- The Office of the Commissioner receives the complaint and determines if it is admissible for investigation.
- If the complaint is admissible for investigation, the Commissioner notifies the institution concerned of the intention to investigate. It should be noted that the Commissioner may, when considered appropriate, attempt to resolve a complaint without conducting an investigation. (See Complaints resolved without an investigation on page 67.)
- The investigation is carried out.
- At the end of the investigation, the Commissioner forwards the report to the Premier, the administrative head of the institution concerned, and the complainant. The Commissioner may include in the report any recommendations deemed appropriate as well as any opinion or reasons supporting the recommendations.
- If the Commissioner considers it to be in the public interest, the Commissioner may publish a report on the results of the investigation and on any recommendations made as a result of the investigation.

Determining the admissibility of a complaint: more work than meets the eye

When someone files a complaint with the Office of the Commissioner, the first step is to determine its admissibility. This sometimes requires extensive preliminary analysis. Complaints made against third parties, that is, organizations acting on behalf of institutions covered by the Act, often require such analysis. Indeed, the link between an institution and a third party is not always tangible. The investigator must therefore contact the institution to obtain the information that will make it possible to determine whether or not a third party relationship exists within the meaning of the Act. If it is a third party, the complaint is admissible and the investigation can be launched. Conversely, when the Office of the Commissioner concludes that the organization in question does not have language obligations, the Office must so inform the complainant and provide the reasons. Determining the admissibility of a complaint can therefore entail more work than meets the eye. Hence, a number of complaints falling into the “inadmissible” category have nevertheless required extensive analysis by the investigation team; work that does not appear in the statistics of the Office of the Commissioner.

Complaints resolved without an investigation

The Commissioner may attempt to resolve a complaint without conducting an investigation when he or she considers it appropriate. Various situations may lend themselves to such an approach. For example, the Office of the Commissioner may use it in cases that have already been investigated by the Office of the Commissioner and resulted in the

institution taking corrective action. This approach can also be used in cases when typical investigation timelines might be prejudicial to complainants. Use of this approach is made on a case-by-case basis. This approach is contingent on the cooperation of the targeted institution and the institution’s willingness to take corrective action.

Inadmissible complaints

Each year, the Office of the Commissioner of Official Languages for New Brunswick receives a number of complaints that are not admissible for investigation because they do not involve a contravention or failure to comply with the Act or do not come within the authority of the Commissioner. These complaints are grouped in the following categories:

General Comments and complaints not within mandate

These complaints are not admissible on the basis that the subject-matter of the complaint does not involve a contravention or failure to comply with the Act or does not come within the authority of the Commissioner.

Management of Human Resources in the Public Sector

Complaints reported in this category are not deemed admissible on the basis that the Commissioner does not have the mandate for the management of human resources in the Public Sector.

Private Sector

The OLA does not apply to private-sector enterprises, except in cases where they offer services to the public on behalf of a body which has obligations under the OLA. Therefore, it is not within the authority of the Commissioner to conduct an investigation targeting a private enterprise that, for example, distributes flyers or has signs in one official language.

Education Sector

The OLA does not apply to distinct educational institutions. Therefore, 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.

Excluded Municipalities

Under the OLA, only the eight cities in the province (Bathurst, Campbellton, Dieppe, Edmundston, Fredericton, Miramichi, Moncton and Saint John) and 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) have language obligations. Thus, complaints targeting municipalities without obligations under the Act are not deemed admissible.

Federal Institutions

Federal institutions are subject to the federal *Official Languages Act*; it is not within the mandate of the Commissioner of Official Languages for New Brunswick to investigate complaints with respect to those institutions.

Statistics 2016-2017

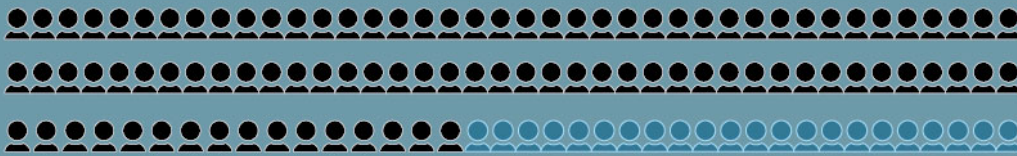
417 COMMUNICATIONS

83%
COMPLAINTS



17%
INFORMATION REQUESTS

114 ADMISSIBLE COMPLAINTS



81%
Service in French

19%
Service in English

Admissible complaints by service type



37% In-person service



17.5% Telephone communication



17.5% Documentation



14% Online information and services, social media

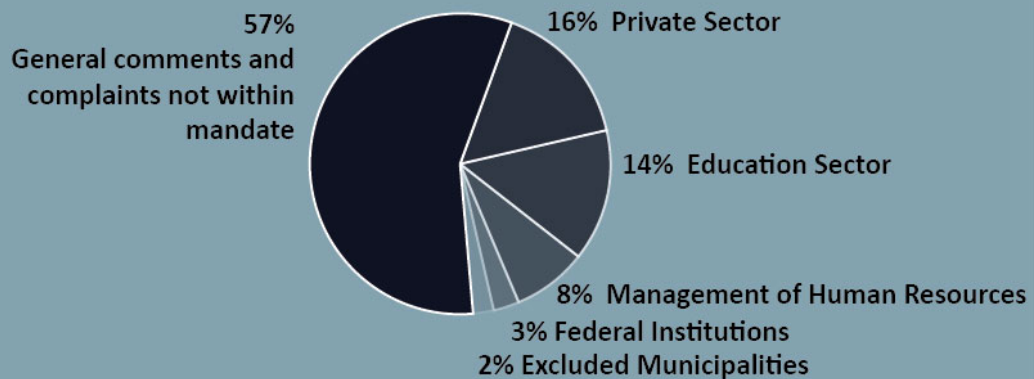


13% Signage



Other 1% Other

INADMISSIBLE COMPLAINTS BY CATEGORY OF ELEMENTS EXCLUDED FROM THE OLA



Status of admissible complaints (From April 1, 2016 to March 31, 2017)

Status	Service in French	Service in English	Total
Complaints under investigation, completed or resolved informally	66	8	74
Investigations not initiated (pending additional information from the complainant or from the institution)	24	9	33
Complaints withdrawn by the complainant	2	5	7
Total	92	22	114

Status of complaints handled (From April 1, 2016 to March 31, 2017)

Institution	Number of admissible complaints		Status of admissible complaints				Conclusion	
	Complaints received in 2016-2017	Complaints carried over from the previous year	Investigations under way	Investigations completed	Resolved informally	Complaints founded	Complaints unfounded	
Ambulance New Brunswick	4	0	4	0	0	0	0	
Cosmetology Association of New Brunswick	3	0	1	2	0	2	0	
Elections New Brunswick	3	0	0	3	0	3	0	
Energy and Resource Development	2	0	2	0	0	0	0	
Executive Council Office	1	0	0	1	0	1	0	
Finance	1	0	0	1	1	1	0	
Fredericton (City)	7	2	6	3	1	3	0	
Health	1	0	0	1	1	1	0	
Horizon Health Network	14	5	8	11	6	11	0	
Justice and Public Safety	3	1	2	2	0	2	0	
Legislative Assembly	0	2	0	2	2	2	0	
Moncton (City)	2	1	1	2	2	2	0	
NB Liquor	9	0	0	9	0	9	0	
NB Power	2	0	1	1	1	1	0	
New Brunswick Registered Barbers' Association	1	0	1	0	0	0	0	
Nurses Association of New Brunswick	2	0	2	0	0	0	0	
Office of the Attorney General	1	0	1	0	0	0	0	
Office of the Ombudsman	1	0	1	0	0	0	0	
Post-Secondary Education, Training and Labour	2	0	1	1	1	1	0	
Premier's Council on the Status of Disabled Persons	1	0	0	1	1	0	1	
Service New Brunswick	7	0	1	6	3	5	1	
Social Development	1	1	2	0	0	0	0	
Tourism, Heritage and Culture	3	0	0	3	0	3	0	
Vitalité Health Network	3	3	0	6	4	6	0	
Total	74	15	34	55	23	53	2	

STATING THE OBVIOUS, AGAIN

Three legislative officer positions to be filled and knowledge of both official languages is just an asset. The Commissioner must state the obvious, again: these positions require knowledge of both English and French so those holding them can communicate directly with the members of both linguistic communities.

This section gives a summary of an investigation report prepared in response to a complaint concerning the lack of bilingualism as a requirement in three competitions for legislative officer positions: the Conflict of Interest Commissioner, the Consumer Advocate for Insurance, and the Chief Electoral Officer of New Brunswick.

The results of this investigation should not surprise anyone: the analysis of the roles and responsibilities of legislative officers merely confirms the absolute necessity that they be bilingual. That is the only way they will be able to offer services of equal quality to the members of both linguistic communities. What is surprising is the response from the Executive Council Office justifying the absence of this requirement as it disregards the principle of the equality of the two official languages and the two official linguistic communities in New Brunswick, a principle set out in the *Canadian Charter of Rights and Freedoms*.

To ensure the appointment of a bilingual person to a legislative officer position, the Commissioner recommends a measure similar to the one taken by the Canadian Parliament in 2013: the adoption of an act making knowledge of both official languages a prerequisite for any new appointment to a Legislative Officer position.

It is important to note that this investigation does not pertain to the results of the recruitment process. The Commissioner therefore did not seek to determine the bilingual capacity of the individuals appointed to these positions.

With respect to this investigation

The Commissioner deplores the length of time it took for the Executive Council Office to provide answers to the questions it was asked pertaining to this investigation. The Executive Council Office took more than six months to provide written responses to the questions outlined in the formal notice of investigation, thus impeding the timely completion of the investigation report.

Summary of complaint

On September 16, 2016, the provincial government published competition notices for the purpose of filling three legislative officer positions:

- Conflict of Interest Commissioner*;
- Consumer Advocate for Insurance;
- Chief Electoral Officer for New Brunswick.

All three competitions indicated that knowledge of both official languages was an asset. A few days later, a person filed a complaint with the Office of the Commissioner, condemning the fact that bilingualism was not a formal requirement for the three positions. According to the complainant, without this knowledge, a legislative officer:

- cannot communicate with both linguistic communities;

- cannot ensure the quality of the bilingual services offered to the public;
- cannot create a bilingual work environment;
- does not embody the province's fundamental values.

Also, according to the complainant, not making bilingualism an essential requirement for a legislative officer is contrary to the preamble to the *Official Languages Act*, which states:

“The Constitution of Canada provides 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.”

New Brunswick's Legislative Officers

- Chief Electoral Officer
- Ombudsman
- Child and Youth Advocate
- Consumer Advocate for Insurance
- Integrity Commissioner*
- Access to Information and Privacy Commissioner
- Commissioner of Official Languages for New Brunswick
- Auditor General

*While the investigation was being carried out, the government tabled a bill to implement a recommendation that the functions of the Conflict of Interest Commissioner (position advertised in one of the competitions) be integrated into the new position of Integrity Commissioner.

Summary of investigation

Review of the mandate and responsibilities of legislative officers

As part of the investigation, the Commissioner carefully analyzed the mandate and responsibilities of legislative officers by reviewing their constituting act. The goal was to look at the nature of their work and to examine the impact that English or French unilingualism can have on their work. To enhance the usefulness of the investigation, the Commissioner's analysis looked at each of the eight legislative officer positions (see text box on page 72) rather than just focusing on the three positions advertised in the competitions.

The analysis of the mandate and responsibilities of legislative officers was highly instructive. Although they all have different and varied responsibilities, they share a common characteristic: the high frequency and wide variety of their exchanges with various groups. Therefore, the unilingualism of a legislative officer means that the members of one of the two linguistic communities would be unable to communicate directly with the legislative officer, resulting in inequality of service, a violation of the *Official Languages Act* of New Brunswick.

A unilingual French-speaking Conflict of Interest Commissioner would therefore be unable to have a

personal discussion with an English-speaking MLA. A unilingual English-speaking Consumer Advocate for Insurance would not be able to make a presentation to a group of French-speaking citizens and answer their questions. A unilingual French-speaking Chief Electoral Officer would not be able to speak directly to the hundreds of English-speaking employees mobilized during municipal and provincial elections.

Legislative officers: representatives of both linguistic communities

Legislative officers serve both linguistic communities in New Brunswick. They must therefore be very familiar with the realities, needs, and challenges of each of the two groups.

Once again, unilingualism poses a significant problem. A unilingual officer, whether English-speaking or French-speaking, cannot appreciate the reality of one of the two communities because he or she cannot communicate directly with that community. He or she is therefore deprived of the contextual information required to do a thorough analysis of the community's needs and meet those needs appropriately. It is relevant to question the actual capacity of a unilingual officer to be able to adequately represent both linguistic communities.

Excerpts from the investigation report

The investigation report presents several examples of tasks assigned to legislative officers and points to the need that they be bilingual. Here are three such examples taken from the positions described in the competitions:

Conflict of Interest Commissioner

Our Office notes that the position of Conflict of Interest Commissioner has responsibility for dealing not only with members of the public but also directly with MLAs. How can a person holding this position fully carry out his or her responsibilities under the *Members' Conflict of Interest Act* if this person is not able to respect the language of choice of, and understand the information provided directly by, those with whom he or she must have personal discussions, as set out in subsection 28(a) of the Act? Also, since the position of Integrity Commissioner will be combined with that of the Access to Information and Privacy Commissioner in September 2017, how would the person holding this position be able to converse in private with any officer or employee of a public body, as required under subsection 62(b) of the *Right to Information and Protection of Privacy Act*?

Consumer Advocate for Insurance

The Office of the Commissioner notes that the role of Consumer Advocate requires direct communication with members of the public, for example, through the development and conducting of educational programs with respect to insurance for the purpose of educating consumers, as set out in subsection 7(d) of the *Consumer Advocate for Insurance Act*, a task that cannot be fully carried out unless the Consumer Advocate can respect the language of choice of members of the public. Furthermore, the Consumer Advocate is responsible for representing the interests of consumers by appearing before the New Brunswick Insurance Board. This includes cross-examining witnesses and making representations to the Board. This mandate cannot be fully carried out if the person holding this office is not bilingual because he or she would not be able to respect consumers' language of choice when representing them before the Board.

Chief Electoral Officer

Although the role of CEO (Chief Electoral Officer) seems to require less direct contact with members of the public, the fact remains that this person's responsibilities include putting structures in place enabling members of the public to exercise their rights in the language of choice, which requires that he or she be able to certify that the documentation in both official languages is consistent. The CEO must therefore be able to issue instructions in both official languages to staff members during elections to ensure that everyone understands them. Also, because the CEO has a mandate to chair the advisory committee on the electoral process and to consult with this committee periodically, this person must be able to fully understand the information he or she is given in both official languages. For these reasons, the Office of the Commissioner deems that this position must be filled by a candidate who is bilingual at the time of hiring so that he or she can fulfil his or her responsibilities under the relevant Act.

Surprising Answers

During its investigation, the Office of the Commissioner asked the Executive Council Office detailed questions in order to identify the factors that prompted the Executive Council Office not to make knowledge of both official languages a requirement. The questions asked by the Office of the Commissioner sought as well to shed some light on the appointment process and the importance placed on bilingualism when assessing candidates. Also, since the competitions stated that knowledge of both official languages was not a requirement but rather an asset, the Office of the Commissioner wanted to know how a unilingual English-speaking candidate or a unilingual French-speaking candidate could fully perform the tasks required.

The answers provided by the Executive Council Office are surprising because, in many ways, they disregard the constitutional principle of the equality of the two official languages and the two official linguistic communities in New Brunswick. In other words, the answers given by the Executive Council Office do not reflect the constitutional requirement that members of the two linguistic communities be offered services of equal quality.

Government response: it is unwise to prevent a unilingual person from applying

According to the Executive Council Office, the government hopes to offer all highly qualified candidates with personal and professional integrity the opportunity to come forward, and it states the following with respect to bilingualism:

“It would be unwise on our part to prevent a unilingual person or a person with limited second-language skills from applying if that person is prepared to take training to gain second-language proficiency.”

The Office of the Commissioner deems that what is “unwise” is the fact that the Executive Council Office does not recognize that bilingualism is necessary in order for legislative officers to communicate directly with MLAs, the public, the media, and various interest groups in the official language of their choice.

How can the Executive Council Office say that unilingual candidates may be “highly qualified” when they cannot even speak the language of an entire segment of the population they are to serve? The government’s response is equivalent to arguing that every person should be given the chance to be interviewed for a position even if they have no training in the field in question.

When legislative officers take up their duties, they must be able to perform those duties in both official languages. If they need some training to become proficient in their second language, that means two things. First, they cannot perform all of their duties in both official languages for a considerable period of time, namely, until they have achieved a sufficient level of bilingualism. Second, unilingual legislative officers cannot dedicate themselves fully to their duties because they must spend part of their time learning a second language. It should be noted that more than 1,200 hours of second-language training are required to achieve a skill level of Intermediate (level 2) or Intermediate Plus¹, a level below what the Commissioner considers necessary for senior management positions, i.e., level 3.

Government response: giving everyone the same opportunity

The Executive Council Office says it does not support the complainant’s interpretation that bilingualism must be required because such a requirement would not enable “all those who are qualified to enjoy the same opportunities.”

This response inevitably leads to the following question: What about the right of MLAs, members of the two linguistic communities, journalists, and interest groups to communicate with legislative officers in their language of choice? This right cannot be based on “opportunity.” It must be based on a bilingualism requirement being associated with the position. This is a constitutional right guaranteed by the *Canadian Charter of Rights and Freedoms*.

¹ Goss Gilroy Inc., *Report on the Review of the New Brunswick Second Language Services*, 2011, p. 14.

In claiming that the personal interests of unilingual candidates takes precedence over the right of New Brunswickers to communicate with legislative officers in their language of choice, the Executive Council Office contradicts the principle of the equality of the two official languages and the two official linguistic communities of New Brunswick.

Government response: legislative officers can delegate tasks to bilingual staff (team approach)

The Executive Council office states the following with respect to providing services in the language of choice of members of the public: “In our view, it is important that the team be able to provide the service requested or required: we are not aware that there is any deficiency in this regard.”

The Executive Council office specifies: “We believe that, as long as the office of the legislative officer can serve clients in their language of choice, the Legislative Assembly and the Province are meeting their obligations under the *Official Languages Act*.”

The Office concludes: “The team concept can provide service in the official language of the client’s choice.”

This response overlooks the fact that many of the responsibilities of legislative officers cannot be delegated to staff members. For example, it is inconceivable that a unilingual English-speaking Integrity Commissioner would ask an employee to converse with a French-speaking MLA in order to take stock of an issue. This responsibility lies solely with the Commissioner. Furthermore, can we imagine a unilingual French-speaking consumer advocate having to ask a subordinate to make a presentation on the advocate’s role to English-speaking insurance company managers? And what about a unilingual English-speaking Chief Electoral Officer who needs to call upon a bilingual employee to do interviews with the Francophone media in order to explain the highlights of a report? The team approach quite simply does not lend itself to the many tasks that legislative officers must carry out as per their respective mandates.

Furthermore, the government’s response must be analyzed with consideration given to the principle of equality of service in both official languages. A unilingual English-speaking or French-speaking legislative officer who calls upon a third party to communicate with one of the two linguistic communities creates unequal access to his or her services. Third-party intervention would have the effect of slowing down exchanges and would not guarantee that the information provided is reliable. Some will argue that professional translation and interpretation services make it possible to circumvent this difficulty. These options can be considered only for planned activities (e.g., conferences), and they entail costs and delays.

Government response: not requiring bilingualism does not deny the spirit of the Act

In its response, the Executive Council Office states the following: “The Office denies the allegations made by the complainant in an attempt to demonstrate non-compliance with the spirit of the Act.”

The Office of the Commissioner rejects the Executive Council Office’s position and deems this situation needs to be analyzed according to the principles set out by the Supreme Court in *R. v. Beaulac*, which states that: “Language rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada.”

The Commissioner deems that the Executive Council Office must take positive measures to contribute to and promote the development of the official linguistic communities in New Brunswick. By not requiring bilingualism for such fundamental positions, the Executive Council Office undermines the vitality of one of New Brunswick’s two official languages.

The response provided by the Executive Council Office contradicts the government’s own plan, which sets out the following principle: “Official bilingualism is a fundamental value conveyed by the government and its employees.”

Communication: central to the work of legislative officers
Another example: communicating with the media

In the investigation report, the Commissioner notes the highly visible role of legislative officers in the media and the need for them to communicate regularly with the public through the media, particularly to denounce situations. As an example, the report notes the recent comments of the Child and Youth Advocate and the Access to Information and Privacy Commissioner calling for greater government transparency concerning non-natural deaths of children known to protection services.

Unilingual legislative officers are therefore confronted with an obstacle: although they may have access to simultaneous interpretation during press conferences, this option is not a possibility during individual interviews, either in the studio or over the telephone. During media events, legislative officers are the sole voice of the office they represent, and they cannot delegate tasks to a spokesperson. Legislative officers must be able to speak directly with journalists in both official languages and thus fairly represent New Brunswick's two linguistic communities.

Conclusion

The Anglophone and Francophone communities of New Brunswick have equal constitutional status. Consequently, the members of each community have the right to communicate with and receive service from legislative officers in the official language of their choice. In addition, services offered in English and French must be of equal quality.

Not requiring bilingualism for legislative officer positions is equivalent to denying the constitutional principle of equality set out in the *Charter of Rights and Freedoms*.

Anglophone and Francophone MLAs in New Brunswick must be able to converse directly with legislative officers who speak their language. Anglophone and Francophone citizens must be able to invite a legislative officer to make a presentation and to talk with them in their language, without an intermediary. Journalists must be able to interview legislative officers directly in either official language. The staff of legislative officers must be able to be supervised in English or French.

The Commissioner concludes that bilingualism must be a requirement in the competitions to fill these positions, and deems the complaint to be founded. Legislative officers should be able to speak and understand both official languages², at a minimum level of 3 (advanced) in their second language, based on the oral proficiency scale³. This is necessary to ensure that members of each linguistic community are not disadvantaged in any way, in accordance with the principle of substantive equality.

Following the federal example

In June 2013, Parliament passed an act making bilingualism mandatory to be appointed as an officer of Parliament. The event that led to the adoption of that act was the November 2011 appointment of a unilingual Anglophone as Auditor General of Canada. The appointment generated considerable protest because it went against the principle of the equality of Canada's two official languages. Members of Parliament therefore adopted the *Language Skills Act*⁴. According to this act, any person appointed as an Officer of Parliament must, at the time of his or her appointment, be able to speak and understand clearly both official languages. As a result, the government of the day will not have to deal with this issue every time a position becomes vacant as it has been settled once and for all.

The Commissioner deems it is time for New Brunswick to live up to its constitutional status and make a firm commitment to ensuring that bilingualism is henceforth a requirement for the appointment of all new legislative officers.

² Oral Proficiency Rating Scale developed by the Department of Post-Secondary Education, Training and Labour.

³ Ibid.

⁴ *Language Skills Act*, S.C. 2013, c. 36.

Recommendations

The Commissioner deems it is necessary to make the following three (3) recommendations to support the Executive Council Office in achieving full compliance with the Act:

THAT the Legislative Assembly of New Brunswick pass, by March 31, 2018, an act establishing the ability to speak and understand both official languages, at a minimum level of 3 (advanced) in the second language, as a prerequisite for any new appointments to legislative officer positions.

And in the event that the appointment of a legislative officer is required before the act is passed, in the interim:

THAT any competition to fill a legislative officer position indicate that the ability to speak and understand both official languages, at a minimum level of 3 (advanced) in the second language, is a prerequisite for appointment to the position.

THAT the selection committee adhere to this criterion, thus ensuring that the successful candidate has this skill upon taking up his or her duties.

Selected investigations conducted by the Office of the Commissioner

The following are summaries of some of the investigation reports prepared in 2016-2017. These summaries reflect the wide range of complaints filed with the Commissioner's office. The full investigation reports pertaining to these summaries can be consulted on the website of the Commissioner's office (Publications section).

For service in French, we'll get back to you...

Institution concerned: Department of Justice and Public Safety

Summary of complaint

Two conservation officers stopped the driver of an all-terrain vehicle. The officer who spoke addressed the driver in English only, and the driver, who wanted service in French, tried as best he could to understand what the officer was saying. After a laboured conversation, the officers motioned to the complainant that he could leave the scene of the incident. A few days later, one of the officers involved in the matter and a bilingual officer went to the driver's home to explain to him, in French, the reasons for their visit and give him a notice of violation written in French.

Key issue

To ensure the provision of quality service in both official languages, institutions must determine the required number of bilingual employees, establish the required second language proficiency levels, hire bilingual employees as needed, and distribute them appropriately. The findings of this investigation illustrate the consequences of deficient planning in this area.

Outcome of investigation

The institution refuted the majority of the complainant's allegations. It maintained that the officer who addressed the driver has a "good practical knowledge of French", although he is not considered to be a bilingual officer by the institution, i.e., having an intermediate plus (2+)

certificate of proficiency. The Office of the Commissioner of Official Languages for New Brunswick (OCOLNB) questions how an officer without this minimum level required by the institution could have provided the complainant with quality service in French.

The investigation also established that the officers had not followed the protocol for providing service in the official language of choice of a person stopped. According to this protocol, all conservation officers must, among other things, give a bilingual questions and answers document to persons stopped to facilitate conversation between both parties. In addition, conservation officers not deemed to be bilingual must make a telephone call to obtain assistance from a bilingual officer.

In connection with this matter, the OCOLNB submitted a number of questions to the institution concerning its bilingual employees. The OCOLNB concluded from the answers that the number of bilingual officers in two of the Province's three regions is insufficient to ensure the provision of services in French and English at all times and without undue delay. The OCOLNB also deems that the institution should be familiar with the linguistic profiles of its teams in order to distribute them more effectively and ensure that quality service in both official languages is provided at all times.

Having completed the investigation, the Commissioner therefore finds it necessary to make the following eight (8) recommendations:

Linguistic profile and hiring of bilingual employees

THAT the institution conduct a study of the necessary linguistic profile for each provincial conservation region in order to ensure service of equal quality at all times and without undue delay;

THAT the institution conduct an analysis of the linguistic profiles of all of its conservation officers to ascertain the actual capacity of its teams for the three designated regions;

THAT the institution accurately assess the necessary level of language proficiency for each team as well as the proficiency levels in employees' evaluation certificates in order to ensure the provision of services in both official languages at all times;

THAT upon receipt of the analysis of the necessary linguistic profile for each region, the institution undertake to comply with the linguistic profiles by hiring bilingual employees required for all of the conservation regions as soon as the next round of hiring takes place.

Training

THAT it be explicitly stipulated in the initial training provided for conservation officers in all of the regions that conservation officers have a responsibility to respect the choice of official language of members of the public after the latter have replied to the active offer of service made by the officer, pursuant to section 28.1 of the *Official Languages Act* (OLA);

THAT the protocol be revised in order to explain in greater detail the obligation of conservation officers to ensure, when a member of the public leaves the site where he/she was stopped, that the individual understands the information given by the conservation officer, primarily the reason for being stopped and any subsequent measures that may be taken;

THAT the institution adopt a policy intended to ensure full compliance with the OLA, that the institution gather accurate information on instances where conservation officers stop members of the public, in order to determine whether expressed choices of official language were respected; and

THAT the institution conduct in-person audits of all of the conservation regions to assess whether service provided to members of the public by front-line employees complies with the OLA.

Excerpts from the investigation report

In reply to **Questions 4 and 5**, the institution stated the following regarding the bilingual capacity of employees responsible for conservation enforcement throughout the Province:

Region	Bilingual Capacity
Region 1 – Bathurst	83%
Region 2 – Miramichi	29%
Region 3 – Fredericton	30%

Composition of bilingual teams – the cornerstone of quality service

It is important to point out that, based on the information provided by the institution, the OCOLNB concludes that there are approximately 25 conservation officers assigned to each region. For Regions 2 and 3 specifically, that means eight (8) bilingual conservation officers working within these teams, given that only one third of these officers are identified as having bilingual capacity. That means that, in order to provide service to members of the public in the official language of their choice without undue delay, these eight officers should take turns at all times throughout the defined area in order to serve as the bilingual officer on teams that would each have a unilingual officer.

Under these circumstances, whereas members of the Anglophone community are able to receive service without undue delay throughout New Brunswick, the majority of members of the public choosing to use French in Regions 2 and 3 are at risk of having to wait for a bilingual conservation officer or a bilingual member of the RCMP or municipal police to arrive at the scene of the incident, as stipulated in the "Department of Natural Resources Enforcement Protocol – Active Offer/Service in Both Official Languages" ("the Protocol").

Patience is the order of the day

Institution concerned: Police Force (City of Fredericton)

Summary of complaints

A driver was stopped by an officer of the Fredericton Police Force. The officer did not offer service in her language of choice and, despite her request to be served in French, the officer continued the conversation in English and motioned to her to wait. After waiting in her vehicle for nearly 30 minutes, a bilingual officer arrived on the scene. Nearly three weeks later, the driver went to the Fredericton Police Station and, this time, had to wait 90 minutes before being able to meet with a French-speaking supervisor.

In addition to these incidents, another complaint concerning deficiencies in bilingual signage at the Fredericton Police Station and the failure of a parking officer to provide service in French was also looked at in the course of this investigation.

Key issue

Under the *Official Languages Act*, if a police officer is unable to provide service in French or in English, he or she must take necessary measures within a reasonable period of time to be able to reply in the choice of official language of the member of the public concerned. The Act also stipulates that police forces must implement necessary measures so that police officers fulfil these obligations set out in the Act.

This investigation reveals the lack of specific measures to ensure the provision of service within a reasonable time period.

Outcome of investigation

The investigation revealed that the Fredericton Police Force had never determined the bilingual capacity required to serve the public at all times in both official languages within a reasonable time period. No objective in terms of response times had

been established. In addition, the institution stated that it had hired eight officers between January 2014 and June 2016, and said that none of them was bilingual. Moreover, bilingualism was considered an asset and not a key requirement in the competitions held to staff these positions. The OCOLNB also found that the basic training in how to make an active offer of service was insufficient and that the officers would benefit significantly from additional training sessions.

The Commissioner therefore finds it necessary to make the following four (4) recommendations:

THAT the institution conduct a review of the required number of bilingual officers within the City of Fredericton Police Force that will enable it to provide service of equal quality at all times and without undue delay;

THAT after determining the required number of bilingual officers within the City of Fredericton Police Force that will enable it to provide service of equal quality at all times and without undue delay, the institution undertake to fulfil this requirement by hiring bilingual employees as soon as the next round of hiring takes place;

THAT the institution provide additional training for officers to ensure that they understand and respect the linguistic rights of citizens at all times;

THAT the institution implement necessary measures to ensure that the information on all signage both inside and outside the City of Fredericton Police Station is in both official languages in an equivalent manner.

Excerpts from the investigation report

The institution stated that it had never assessed its team's bilingual capacity in order to be able to serve members of the public in both official languages at all times without unreasonable delay.

With only 22 bilingual officers within its team, and assuming that all of them work "on the ground," it is difficult to consider it possible to provide service in French at all times without unreasonable delays. Based on the data submitted by the institution, it can be deduced that the average number of overtime hours worked by bilingual officers is higher than that of unilingual officers.

The OCOLNB finds it revealing and problematic that this small distinct group works nearly one quarter of the overtime hours worked by all officers in the

Fredericton Police Force. From a strictly budgetary standpoint, the institution has not adopted a financially responsible approach in having to pay bilingual officers an overtime rate on a recurring basis. Instead, it must ensure that it has a sufficient number of bilingual officers so that it does not have to continually rely on paying overtime and the associated costs. It is therefore necessary to hire additional bilingual officers to ensure not only respect for the linguistic rights of members of the public, but also responsible management of the institution's finances.

Voting in French – Not a guarantee at every step of the process

Institution concerned: Elections New Brunswick

Summary of complaints

A person goes to vote in the municipal election at a Fredericton polling station. Upon arrival, she was welcomed in both official languages and directed to a table where four staff members were sitting. Her choice of official language being French, she was surprised that the employees gave her instructions, in English only, on how to fill out her ballot, despite her repeated request to be served in French.

In addition to this incident, this investigation looked at two complaints concerning a failure by reception staff to provide bilingual service and concerning deficiencies in the posting of information in French, which occurred at two Elections New Brunswick polling stations during the 2016 municipal election.

Key issue

The right to vote is a basic right. Elections New Brunswick must ensure that all voters are able to exercise their right to vote in the official language of their choice at every step of the voting process, from the moment they arrive at the polling station until they deposit their ballot in the ballot box.

Outcome of investigation

The investigation revealed that the bilingual capacity of the entire staff was insufficient to ensure that service was provided in the voters' official language of choice at every step of the voting process.

Although Elections New Brunswick states being fully aware of its language obligations and that it implements numerous measures to fulfil those obligations, the OCOLNB finds that the strategy implemented by the institution failed to ensure the provision of service in the voters' official language of choice at all times.

The OCOLNB deems it important that Elections New Brunswick increase the bilingual composition of teams and organize its teams in such a way as to meet voters' needs. In that regard, the OCOLNB is of the opinion that employees working alone at points of contact with the public, for example, in the reception area, should be bilingual. The institution could also make provision to have one or more "mobile" bilingual employees on hand to come to the assistance of members of the public at any time regarding their official language of choice.

Signage

The investigation established that the unilingual English notice denounced in a complaint had not been placed by Elections New Brunswick, but instead by an official of a church where the polling station was set up (this official wanted to instruct the public to use a different entrance to get to the polling station). In that regard, the OCOLNB was able to conclude that all signs put up by Elections New Brunswick were bilingual.

To prevent breaches similar to those identified in the course of this investigation, some measures need to be implemented. The Commissioner therefore recommends the following:

THAT the institution develop a partnership project with local Francophone associations in order to strengthen the recruitment of bilingual staff;

THAT the institution conduct an analysis of various steps of the current voting process in order to identify positions occupied by a single employee and subsequently issue a directive stating that these positions be allocated to a bilingual employee at all times; and

THAT the institution draft a directive stating that prior to the opening of a polling station, the premises be inspected to ensure that information concerning the election (instructions, locations and times) is posted in both official languages, in keeping with the spirit of the Act, and as prescribed in section 29 of the OLA.

Excerpts from the investigation report

The OCOLNB deems that the institution must address the recruitment of bilingual staff and

continue to ensure that their bilingual capacity is maximized. As the institution stated in the context of a previous investigation conducted by the OCOLNB (March 2015 Report), in order to help increase the number of bilingual workers and train future citizens before the 2010 provincial election, it had developed and implemented a program jointly with the Department of Education and Early Childhood Development. The institution stated that this program allowed it to employ 16- and 17-year-old students, who took part in a cooperative learning experience after receiving authorization from their school principal. Although the students were not paid during course hours, the institution stated that this program allowed it to authorize the students to work in elections, if they obtained permission. The OCOLNB once again states its support for this program, which has now been operating for nearly eight years, and encourages the institution to continue the program because it makes it possible to easily make use of this pool of potential “employees.”

As stated in the conclusion of the 2015 Report, the OCOLNB reiterates the need for the institution to establish relationships with various community organizations in both linguistic communities so that the latter can provide assistance in setting up a potential recruitment pool for the selection of election workers. As previously mentioned, investing in the development of a partnership with community organizations (community radio stations, francophone schools, etc.) helps to ensure at election time that there is a pool of previously identified employees available.

Putting an end to the status quo

Institution concerned: Alcool NB Liquor – ANBL

Summary of complaints

Between April and November 2016, 10 complaints against Alcool NB Liquor (ANBL) were submitted to the OCOLNB, and concerned the following: employees who fail to greet customers in both official languages; unilingual English signs; website and Facebook pages in English only; incomplete or incorrect translations; and an employee refusing to provide service in French.

Key issue

Since August 2006, the OCOLNB has investigated nearly 50 complaints against ANBL. In the past decade, a large number of recommendations were issued and the institution undertook numerous times to fulfil its language obligations. However, it is clear that rigorous measures have not been implemented to permanently remedy the problems.

Outcome of investigation

The OCOLNB found it necessary to hold a meeting with the institution's representatives to obtain answers to a number of questions because, despite the many investigation files and recommendations made over the years, the problems persist. During this meeting, the institution's representatives acknowledged the problems and admitted that they were serious and challenging.

Following the meeting, the institution submitted to the OCOLNB a list of measures it had undertaken to fulfil its language obligations.

Provision of bilingual services

- During the period up to February 15, 2017, the active offer (of service) will be discussed in each store on a weekly basis and will include a reminder to employees of their responsibility to provide service in both official languages and to

make an effort to use various expressions in both official languages, based on the list of expressions and terms that each employee will receive;

- During the period up to March 31, 2017, signs indicating aisles leading to bilingual checkouts will be reviewed so as to make them more visible;
- The institution will continue to review store workforces as positions become vacant; and
- The institution will continue to review employees' work schedules to ensure that there is at least one bilingual employee on duty, based on the store workforce.

Written communications

- The name and spelling of the name of each brewery are checked by a second person to ensure that they are identical to the name indicated on the brewery's website;
- Each element of "What's on tap?/Qu'est-ce qui est en fût?" will be sent for translation to ensure that the text is translated before being sent to the designer;
- Once the designer has designed the documents, they will be reviewed by a second person before being published;
- The institution has changed the routing of the work involved in correcting information concerning marketing and social media, and ensures that each marketing element is corrected by a minimum of two persons, and that at least one of them is bilingual;
- Before being printed or published, final layouts are sent to a translation firm to be corrected;
- The institution creates models of its promotions, which should reduce the number of errors;

- Only bilingual images can be used in social media;
- The institution is developing its own terminology database for in-house translation purposes;
- The institution is studying options that will allow it to have texts of equal size on marketing posters.

Recommendations of the Commissioner

Despite the initiatives undertaken by the institution to fulfil its commitments under the OLA, the Commissioner finds it necessary to make the following eight (8) recommendations.

Service delivery

THAT the institution determine, before July 1, 2017, the actual number of bilingual employees required for each of its stores who will be able to provide service of equal quality in both official languages at all times;

THAT the institution, once it has determined the number of employees required for each store, promptly hire the bilingual employees needed to offset the shortage thereof in the identified stores;

THAT the institution change its internal policies to include a component relative to the provision of

service in the official language of choice of members of the public;

THAT the institution draw up a checklist, in both official languages, to be on hand at checkouts and listing sentences that summarize the interaction between members of the public and ANBL employees at the time of product purchases;

THAT the institution ensure a real capacity to promptly serve members of the public in both official languages at all times at every checkout in all of its outlets across the Province.

Communications

THAT the institution implement necessary measures to ensure the quality of communications in French on all of its dissemination platforms;

THAT the institution implement necessary measures to ensure that the publications it disseminates through social media targets members of the public simultaneously in both official languages; and

THAT the institution implement necessary measures to ensure that the promotional material it posts in various stores is presented in both official languages in an equivalent manner.

Service of unequal quality

Institution concerned: Cosmetology Association of New Brunswick

Summary of complaints

A Francophone member of the Cosmetology Association of New Brunswick denounced a significant disparity between services provided in English and those provided in French. He pointed out to the OCOLNB that he does not have access to training in his choice of official language. He also denounced the fact that members who opt to speak English can speak directly to the Executive Director, while those who choose French must go to other employees and patiently wait to obtain answers to their questions. Another complaint regarding an association employee's difficulty in answering a member's questions in French was also examined during the course of this investigation.

Key issue

Since July 1, 2016, over 40 professional associations in New Brunswick have been subject to the OLA and must provide their services to the public as well as to their members in English and French. Because English and French have equal status in the province, services provided by the professional associations must be of equal quality. This matter highlights the fact that a service offered in both official languages is not necessarily of equal quality, and the bilingual capacity of an association's management has a significant impact on the quality of its services.

Outcome of investigation

Despite the significant disparities noted between the complainants' allegations and the Association's replies, the OCOLNB is able to find that there was a failure to comply with the OLA because the provision of service was not of equal quality in both official languages.

The OCOLNB was thus able to determine that a member of the public who opts to speak English is able to obtain information that only the Executive Director has, whereas a member who chooses to speak French does not have this same privileged access. This is unequal treatment with respect to obtaining service because the Francophone member must count on a third party being involved in the conversation, which makes the reply process more burdensome and fails to ensure the reliability of the transmitted information.

With respect to training, the OCOLNB deems that the Association must ensure that its members are not placed at a disadvantage, regardless of the choice of official language they wish to use to obtain their training. The OCOLNB deems that the number of persons interested in taking training in French is not an appropriate rationale for not offering training in a language. The Association must therefore act in such a way as to ensure that its members will not be placed at a disadvantage, regardless of the choice of official language they wish to use to obtain their training, and regardless of the associated costs.

Although the Association stated that it was implementing measures to provide service of equal quality in both official languages, the OCOLNB finds that this objective is not currently being met. Additional measures must be taken to ensure that the association is able to provide service of equal quality in both official languages at all times.

In a spirit of collaboration, the Commissioner deems it necessary to make the following six (6) recommendations in order to support the Association in achieving full compliance with the obligations set out in the OLA:

THAT front-line employees working for the Association be able to reply to Association members and members of the public in the official language of their choice at all times, using language of sufficient quality in order to ensure that the information provided is clear;

THAT the various training courses offered to members be provided in both official languages according to a reasonable schedule;

THAT all tools, manuals and documents necessary for training be available in both official languages and that the language quality of these documents be reviewed by certified translators;

THAT the simultaneous interpretation services during meetings and general meetings be provided by certified interpreters at all times;

THAT the Association's entire website be reviewed by a certified translation firm as soon as possible to ensure that the English and French versions of the website are of equal quality; and

THAT upon the appointment of the next person to the position of executive director of the Cosmetology Association of New Brunswick, that the ability to speak and understand both official languages (minimum of level 3 oral proficiency in the second official language) be a prerequisite for appointment to the position.

Actions taken by the institution

The Association stated that it is currently working on a new website and that it is committed to considering all of the concerns and comments submitted to it by the OCOLNB.

The Association also stated that, starting in the fall, it will reassess its telephone system in order to make callers aware of its office's "environmental dynamic." In other words, the Association wants to be able to refer Association members and members of the public to the employee responsible, while fulfilling its obligations, as set out in the OLA.

Sample of complaints resolved without an investigation

Under the *Official Languages Act*, the Commissioner has the authority to resolve complaints without conducting an investigation. Various situations may lend themselves to such an approach. Thus, the OCOLNB can use this approach for complaints about a situation previously investigated by the OCOLNB that gave rise to the adoption of corrective measures by the institution. This approach may also be used in instances where the timelines associated with a formal investigation may be prejudicial to a complainant. The following is a summary of three complaints that were resolved without conducting an investigation.

Automated messages in French only

A number of automated messages that NB Power sends to customers' cell phones to inform them of power outages were in French only. OCOLNB staff brought this situation directly to the attention of NB Power's Official Languages Coordinator, pointing out that it is important that customers receive automated messages in the official language of their choice.

Outcome

It was determined that this situation was mainly attributable to the fact that the length of NB Power's bilingual messages exceeded the recording time limit permitted by various cell phone suppliers.

Consequently, customers only heard a portion of the messages (French portion).

The solution was to simplify and shorten the messages to comply with the recording time limit, which in itself is another challenge, given the need to provide a certain amount of information.

The institution undertook to work together with various cell phone suppliers to ensure that the bilingual messages it plans to send to their customers' cell phones meet each supplier's criteria. Both parties will then carry out checks to ensure that NB Power customers receive bilingual messages in their entirety.

Place for a pictogram

A motorist noticed the words "Keep back 150 m" on a City of Fredericton fire truck.

Outcome

Through discussions between OCOLNB investigative staff and the City of Fredericton, it was determined that it was necessary to inspect all of the markings

on vehicles and review new regulations concerning bilingual signage.

The institution has committed to remove markings saying "Keep back 150 m" in English only from Fire Department vehicles and to replace them with pictograms over the next three months.

Problem with call lines

Seeking information on his vehicle's registration, the complainant dialed the Service New Brunswick number. After selecting "2" for service in English, he heard an automated message in French. When he got through to an SNB representative, the latter spoke to him in French only. The client repeated his wish to be served in English and the representative apologized and explained to him in English that her screen was displaying a request for service in French.

Outcome

The OCOLNB determined that the "2" key took callers to service in French. SNB informed the OCOLNB that the fault in the system was caused by work on telephone lines and that this problem would be corrected when the work was completed, scheduled in early 2017.

Until such time as the situation is resolved, the institution assures the OCOLNB that its representatives will make an active offer on the telephone, that the recorded automated message will be in both official languages and that all of its representatives assigned to provide service over the telephone will be made aware of the situation.



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NOVA SCOTIA'S ELECTORAL MAP AND THE PRINCIPLE OF EFFECTIVE REPRESENTATION

On January 24, 2017, in a unanimous decision, the Nova Scotia Court of Appeal* ruled that the 2012 electoral map changes were unconstitutional and contravened the principle of effective representation of the Acadian population. This decision reiterates the democratic rights of minority communities to effective representation, a right protected by the *Canadian Charter of Rights and Freedoms*. The text below summarizes this decision.

*Reference re the Final Report of the Electoral Boundaries Commission, 2017 NSCA 10

Background

Following the rejection of its initial report by the Attorney General, the Electoral Boundaries Commission⁵ recommended changes to the electoral boundaries in a subsequent report, thus abolishing the so-called protected Acadian electoral districts of Clare, Argyle, and Richmond. It should be noted that the Commission's initial report recommended that these three ridings be maintained. However, the Attorney General rejected this report on the pretext that the Commission did not take into consideration the criterion of maximum deviation in the size of the population among ridings.

The *House of Assembly Act* ("the Act")⁶ was thus adopted by the Legislative Assembly in December 2012; the government said it was taking this action to balance the number of electors in provincial ridings despite the fact that the protected Acadian electoral districts, although less populous, provided a better opportunity for Acadians to elect representatives.

The constitutionality of the Act was subsequently challenged; the Nova Scotia Privy Council asked the Court of Appeal of Nova Scotia, through a reference, to examine whether the abolition of the three electoral districts identified as representing the Acadian minority, i.e. where the mother tongue of more than 20 percent of the population is French⁷ was unconstitutional, and if so, whether this decision could be saved by Section 1 of the *Canadian Charter of Rights and Freedoms* ("the Charter"). The Court provided a detailed analysis on two questions:

1. Does the abolition of the ridings of Clare, Argyle, and Richmond violate Section 3 of the *Charter*⁸? and
2. Is this violation (of Section 3) justifiable with respect to Section 1 of the *Charter*?

⁷ *Reference re the Final Report of the Electoral Boundaries Commission*, 2017 NSCA 10, page 20.

⁸ Section 3 of the *Charter* enshrines in the constitution the guarantee of the right to vote for all citizens of Canada and the right to be eligible to represent their fellow citizens in elections.

⁵ The Nova Scotia Electoral Boundaries Commission ("the Commission").

⁶ *House of Assembly Act*.

The Court responded in the affirmative to the first question and in the negative to the second one – thus confirming that the 2012 amendments to the electoral map introduced by the Act adopted for that purpose were unconstitutional and contravened the principle of effective representation of the province’s Acadian population.

Analysis

It is fitting at this point to delve into certain aspects of the judgment issued by the Nova Scotia Court of Appeal in greater depth in order to grasp its scope.

- **Carter decision**

In 1991, the Supreme Court examined the scope of Section 3 of the *Charter* beyond the criterion of the numerical equality of electors per riding in the decision *Reference re Provincial Electoral Boundaries (Sask.)* ("*Carter decision*")⁹. In this matter, the Court had to decide on the representation of rural communities in Saskatchewan which, since they were less populous, had seen their number of representatives dwindle over the years. In this judgment, the Court established that the following factors had to be observed in order to satisfy the notion of "effective representation":

- geography;
- history;
- community interests; and
- minority representation.

In upholding this analysis, the Supreme Court thus affirmed that the right to vote is also equivalent to a right of representation, and wanted to protect against the dissolution of the political power of minorities (broadly speaking) by enabling them to unite their votes within a given riding. By establishing a structure that ensures the protection

⁹ *Reference re Provincial Electoral Boundaries (Sask.)*, [1991] 2 SCR 158.

of minorities, the Court wanted to give equal weight to all votes that do not have the same demographic weight and thus support the fulfilment of their democratic expression by fostering the possibility of electing one of their representatives.

- **The Commission: 1992 to 2012**

Beginning in 1992, in response to the prescriptions of the *Carter* decision, the government in place set up the Nova Scotia Electoral Boundaries Commission. This independent commission was given terms of reference to review the territory of the various electoral districts every 10 years. Between 1992 and 2012, the criteria underlying effective representation were respected by the Commission, and the three so-called "Acadian" ridings of Clare, Richmond, and Argyle, were maintained.

However, in 2012, the government imposed in the terms of reference entrusted to the Commission, a variance of $\pm 25\%$ in the population between electoral districts in order to favour the concept of demographic balance except in extraordinary circumstances. Despite this "recommendation" issued by the government, the Commission had initially supported preserving the predominantly Acadian ridings in its preliminary report.

It was only after its report was rejected by the province’s Attorney General on the grounds that the Commission had not complied with the demographic criterion of $\pm 25\%$ that the Commission undertook to amend its conclusions. The Commission revised its conclusions, even though this decision was not unanimously approved by the panel, and concluded that the Acadian electoral districts, which were clearly less populous, were to be merged with ridings of other communities. The conclusions of this report supported the adoption of the Act on December 6, 2012, and consequently imposed the merging of the electoral districts of Clare, Argyle, and Richmond with neighbouring ridings.

- **Reasons for the decision**

- Section 3 of the *Charter*

As mentioned previously, Section 3 of the *Charter* sets out that all citizens have the right to vote and that this vote must meet certain sociological criteria that favour minority communities. The Court of Appeal confirmed that the decision of the government of the time had in fact infringed the principles of Section 3 by instituting an act deviating from the principle of effective representation in favour of demographic balance¹⁰.

- Justifiable infringement

The Court proceeded to determine whether the unconstitutionality of the Act could be justified under the restrictive clause, i.e. Section 1 of the *Charter*. The test established in *R. v. Oakes* makes it possible to establish whether there was a basis for justifying the government's action¹¹. The Court concluded that the abolition was unconstitutional and that it could not be justified¹² by Section 1.

Conclusion

Since in this case the Court of Appeal was asked by the Privy Council to interpret the constitutionality of the Act by means of a reference, the Court did not have the power to abolish it. However, the message sent by this unanimous decision is clear and will require the Legislature to amend its practice in relation to dividing the electoral map in order to ensure its constitutionality.

The decision of the Court of Appeal, in addition to confirming the principle of effective representation set out by the Supreme Court three decades ago, resulted in reiterating the democratic rights of minority communities in similar circumstances throughout the country.

¹⁰ *Op. cit. Reference re the Final Report of the Electoral Boundaries Commission*, paras 132 to 137.

¹¹ *R. v Oakes*, [1986] 1 SCR 103.

¹² *Ibid.* paras. 160 and 161.



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OFFICE OF THE COMMISSIONER'S BUDGET – THE EQUIVALENT OF A **17.2%** BUDGET DECREASE OVER **15** YEARS

The Office of the Commissioner of Official Languages of New Brunswick opened its doors on April 1, 2003 with an annual budget of \$501,000. Over the course of the past 15 fiscal years, (2003-2018) the office budget has increased by only 3.6%, having been set at \$519,000 for 2017-2018.

By comparison, over this same period, the budget for the Office of the Legislative Assembly* has gone from \$2,643,000 in 2003-2004 to \$3,445,000 in 2017-2018, an increase of 30.3%.

Similarly, the budget for the Legislative Assembly as a whole has increased by 52.4%, going from \$14,235,000 in 2003-2004 to \$21,696,000 in 2017-2018.

While comparing amounts from the Main Estimates over the 15-year period is instructive, a much clearer picture emerges when increases in the Consumer Price Index (CPI) are applied to the 2003-2004 figures. It is then possible to determine the amounts required in 2017-2018 to maintain the same purchasing power these offices had in 2003-2004.

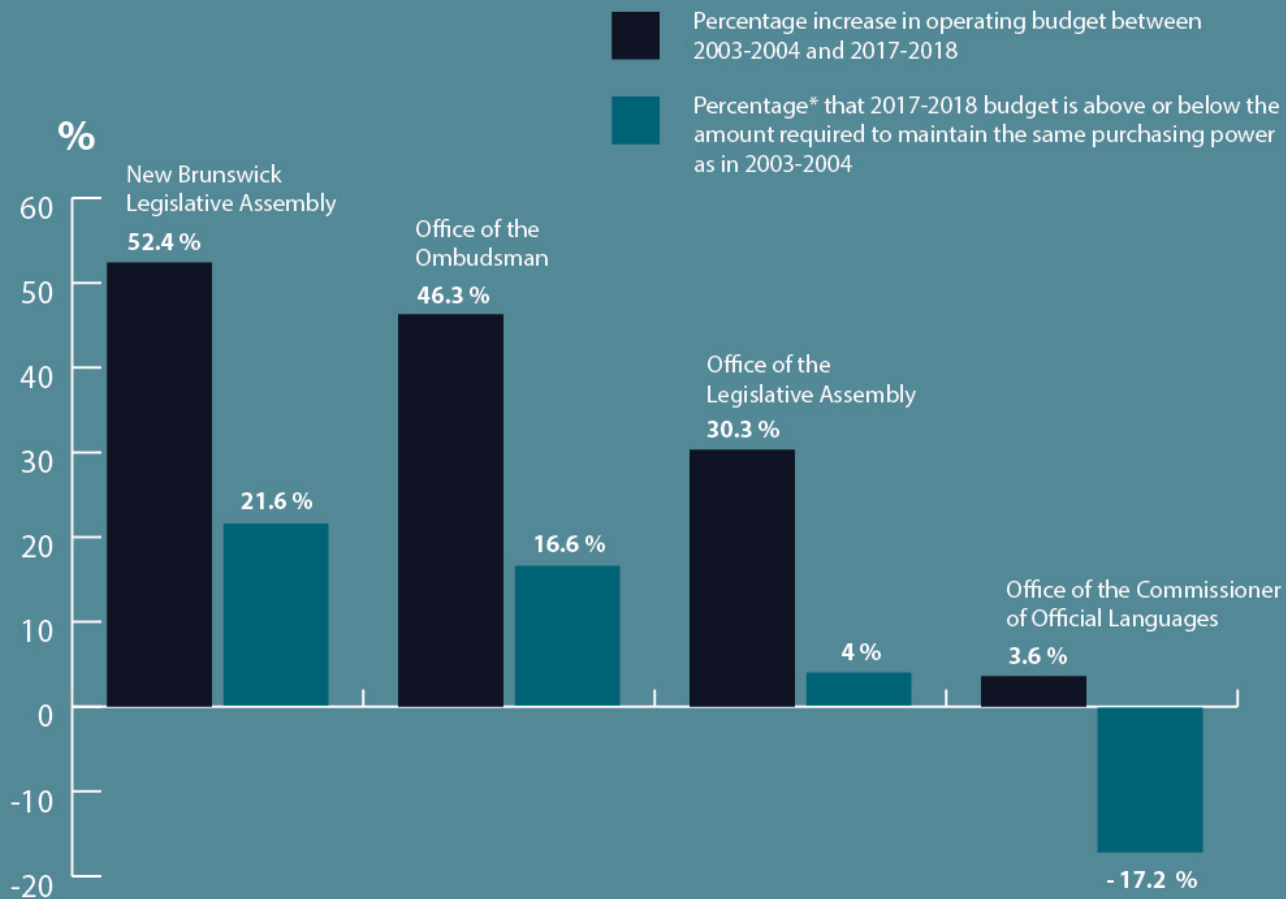
For the Office of the Legislative Assembly, the amount required in 2017-2018 to maintain the 2003-2004 purchasing power would be \$3,313,000. The 2017-2018 budget for that office has been set at \$3,445,000. The 2017-2018 budget amount for the office therefore represents **4% more** than the amount required to maintain the same purchasing power the office had in 2003-2004.

Similarly, for the Legislative Assembly as a whole, the amount required in 2017-2018 to maintain the 2003-2004 purchasing power would be \$17,845,000. The 2017-2018 budget for that office has been set at \$21,696,000. The 2017-2018 budget amount for the office therefore represents **21.6% more** than the amount required to maintain the same purchasing power the office had in 2003-2004.

By contrast, for the Office of the Commissioner of Official Languages for New Brunswick, the amount required in 2017-2018 to maintain the 2003-2004 purchasing power would be \$628,000. The 2017-2018 budget for that office has been set at \$519,000. The 2017-2018 budget amount for the office represents **17.2% less** than the amount required to maintain the same purchasing power the office had in 2003-2004.

* Includes the Hansard Office, Debates translation, the Clerk's Office, the Legislative Library and the Office of the Conflict of Interest Commissioner.

Evolution of operating budgets between 2003-2004 and 2017-2018



Source: Main Estimates
New Brunswick Department of Finance

* This percentage is calculated by multiplying the 2003-2004 budget by the Consumer Price Index (CPI) which is 1,2536 according to Statistics Canada.

The Commissioner's promotional mandate – no funding

Nearly 94% of the budget of the Office of the Commissioner is required to fund the salaries and benefits of the Commissioner and four (4) staff members to carry out the legislated mandate. An additional staff position has remained vacant since 2010 due to budget constraints. The remaining 6% of the budget funds the office's operating expenses. Consequently, the Office of the Commissioner does not have any funding to promote the advancement of both official languages, which is a role clearly set out in the *Official Languages Act*.

This past year, there has been considerable discussion about the promotional role of the Commissioner of Official Languages. When the Commissioner presented the office's 2015-2016 Annual Report to the Standing Committee on Procedure, Privileges and Legislative Officers on June 21, 2016, a committee member stated: "I would be interested to see whether you wanted to do a proposal to LAC (Legislative Administration Committee) on the promotional side, which I think is as important as your role on the compliance side. I want to get your thoughts on that." In response to the member's question, the Commissioner stated: "On a proposal to LAC, I am more than willing to come forward to LAC to ask for specific budget money to do more on the promotion side of the mandate. That is a given, and I will make sure that it happens."

As a follow-up to the June committee meeting, the Commissioner submitted a formal request for the addition of a specific, permanent budget envelope to the budget of the Office of the Commissioner of Official Languages for New Brunswick for initiatives pertaining to the Commissioner's promotional mandate. The September 20, 2016 letter, addressed to the Chair of the LAC, outlined a series of initiatives that could be undertaken with such a budget allocation. On November 16, 2016 the Commissioner appeared before the LAC to present the budget request and respond to questions. In a letter dated November 25, 2016, the Clerk of the Legislative Assembly informed the Commissioner that the Committee determined that no additional budget allocation would be granted for the current fiscal year. The letter also stated: "The Committee noted that you may wish to include the request as part of the upcoming 2017-2018 budget proposal for your office."

In late November 2016, the Commissioner submitted the budget proposal for the fiscal year 2017-2018 for presentation to the LAC. As a follow-up to the invitation contained in the November 25th refusal letter, the 2017-2018 proposal included the \$50,000 requested previously for initiatives pertaining to the Commissioner's promotional mandate. Following the Commissioner's appearance before the LAC on December 7, 2016 with respect to the 2017-2018 budget proposal for the office, the Commissioner was informed by the Clerk in a letter dated January 30, 2017 that the budget for the office would be established at \$519,000 for the fiscal year 2017-2018, an increase of \$5,000 over the previous year. The increase reflects wage bill adjustments that all offices receive to reflect economic increases. Consequently, the budget request for the Commissioner's promotional mandate was denied a second time.

Project funding under federal-provincial agreements – no longer an option

In the past, the Office of the Commissioner has submitted special projects under the federal-provincial agreement on official languages and other funders (e.g. Regional Development Corporation in 2014) to be able to carry out certain initiatives, in relation to both components of the Commissioner's mandate – compliance and promotion. However, the Commissioner believes that an independent officer of the Legislative Assembly should not have to ask the Executive Branch of government for funds to carry out activities that are required by legislation. Furthermore, the projects that the Office of the Commissioner has carried out over the past few years have had to match the agreements' criteria. This has greatly influenced the nature of the projects submitted. In addition, funding from these cost-shared programs cannot exceed 50% of eligible expenditures, thereby requiring the Office of the Commissioner to contribute the other 50%. The Office of the Commissioner does not have a budget envelope with which to fund its 50% share. Consequently, in order to satisfy the program criteria, the office has had to dedicate a significant amount of staff time to such initiatives as its in-kind contribution. With dwindling resources and a significantly expanded mandate, the office is no longer able to make the required in-kind contributions to such projects.

Commissioner's expanded mandate to provide oversight of over 40 professional associations – no additional funding

With the language obligations of professional associations coming into force on July 1, 2016, the Commissioner's mandate was significantly expanded to include oversight of over 40 professional associations that regulate a profession in New Brunswick. In recognition of this expanded mandate, the office's 2017-2018 budget proposal also included an amount of \$50,000 to enable the Commissioner to conduct investigations of

complaints from members of the public who believe their language rights have been violated by a professional association.

Despite the Commissioner's mandate having been expanded to include the oversight of over 40 new public bodies, the Legislative Assembly did not allot any additional budget amount to the office for fiscal year 2017-2018.

It is worth noting that the mandate of at least one other Legislative Officer was also expanded recently but with a different budget outcome for fiscal 2017-2018. In December 2016, the Child and Youth Advocate had the seniors portfolio added to his mandate. That came with a \$150,000 increase in the Advocate's budget for fiscal 2017-2018.

Other than the different budget treatment of the offices of legislative officers in similar situations, it is even more perplexing to attempt to reconcile the lack of increase in the 2017-2018 budget for the Office of the Commissioner of Official Languages for New Brunswick with the following statement contained in the January 31, 2017 Budget Speech:

*"We will continue to freeze the overall operating funding envelope for legislative officers. However, the savings realized by the merging of the Office of the Conflict of Interest Commissioner and the Office of the Information and Privacy Commission **will be redistributed amongst the legislative offices who are expanding their mandates.** Further savings that are realized by implementing recommendations from the Levert Report¹ will be retained by legislative officers."*

Budget situation of the Office of the Commissioner of Official Languages for New Brunswick - a far cry from what was envisioned in 2002

Language rights are fundamental rights. In New Brunswick, these rights are guaranteed not only by the *Official Languages Act*, but by the *Canadian Charter of Rights and Freedoms*. Citizens must feel confident that when they believe their language rights have not been respected by an institution with obligations under the OLA to provide them with services and communications in the official language of their choice, they indeed have recourse to an independent office that will deal with their concerns in a timely manner. In the absence of such recourse, and as was the case prior to the establishment of the Office of the Commissioner, the only other option available to citizens for redress is through the courts.

When the *Official Languages Act* that created the position of Commissioner of Official Languages for New Brunswick was adopted unanimously by MLAs in 2002, it is doubtful that MLAs could have foreseen the budget situation the office is faced with today.

Of note, on June 6, 2002, the Premier of the day stated in Committee of the Whole that “the commissioner’s budget can be expected to be more or less the same as the Ombudsman’s, since their duties are comparable.” The budget for the Office of the Commissioner of Official Languages for New Brunswick never did match that of the Office of the Ombudsman. When it opened its doors on April 1, 2003, the budget for the Office of the Commissioner of Official Languages for New Brunswick was \$501,000, compared to \$633,000 for the Office of the Ombudsman, thus representing **79.1%** of the Office of the Ombudsman’s budget. Fifteen years later, the budget for the Office of the Commissioner of Official Languages for New Brunswick represents **56%** of the budget of the Office of the Ombudsman.

Adequate resources, unfettered by project criteria and approval mechanisms imposed by the Executive Branch of government, must be provided to the Office of the Commissioner of Official Languages for New Brunswick by the Legislative Assembly to enable the fulfilment of the Commissioner’s responsibilities under the *Official Languages Act*.

¹ *Strategic Program Review - Review of the Officers of the Legislative Assembly, Legislative Assembly of New Brunswick, April 2016*



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COMMENTARIES BY THE COMMISSIONER

As part of the Office’s promotional activities, the Commissioner wrote three feature commentaries to inform the general public on various aspects of official bilingualism and linguistic duality in New Brunswick. This initiative sought 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.” These three commentaries, published on the Office of the Commissioner’s website in the fall of 2016 and the winter of 2017, were also published in whole or in part in the province’s English and French daily newspapers. The Commissioner also forwarded the commentaries to all members of the Legislative Assembly. In an effort to make them more widely available, these three commentaries are reproduced below.

Let’s Set the Record Straight

Myths and Realities about Official Languages in New Brunswick

Published on September 14, 2016

When it comes to official languages, myths abound. In my work, I often hear these falsehoods which are presented as indisputable facts. Who hasn’t heard one or more of these myths? One example: All government jobs require bilingualism. False.

Why should we be concerned about these myths? Because they distort the purpose of the *Official Languages Act*. Because they compromise mutual understanding between our two communities. Because they call into question what is at the heart of New Brunswick’s identity: the equality of our two official languages and the equality of our two linguistic communities. That is why it is important to set the record straight. Here are some of the myths about official languages I hear most often. And here are the facts.

Myth 1

The primary objective of the Official Languages Act is that all citizens be bilingual.

Reality

Official bilingualism means that public bodies must provide their services to the public in both English and French. This bilingualism obligation applies to public bodies, not to individual citizens. Therefore, official bilingualism allows citizens to remain unilingual and receive public services in the official language of their choice.

Myth 2

Official bilingualism prevents unilingual Anglophones from obtaining government jobs.

Reality

To provide the general public with services in English and French, provincial government departments must have a certain number of bilingual and unilingual employees. According to the provincial Department of Human Resources¹,

- 50% of employees must be able to speak English;

- 4% must be able to speak either English or French;
- 41% must be able to speak both official languages; and
- 5% must be able to speak French.

Based on these government figures, unilingual English speakers therefore have access to 54% of government jobs (50% + 4%). Also, since approximately 30%² of bilingual New Brunswickers have English as their mother tongue, it is clear that Francophones are certainly not the only ones who speak both official languages.

Myth 3

The bilingual requirement for some positions discriminates against unilingual people.

Reality

Consider the following scenario. A hospital is recruiting a nurse specialized in mental health. The job offer specifies that applicants must have a Master's degree in that speciality area. A person with only a Bachelor of Nursing degree decides to apply. But the application is turned down. Is the hospital discriminating by rejecting this application? No. This candidate simply does not have the educational requirement for the job.

To respect citizens' rights to receive services in their language of choice, some positions require bilingualism. Knowledge of both English and French then becomes an essential qualification just like the requirements for education and work experience.

In summary, requiring bilingualism for some positions is no different than requiring a particular diploma or a specific number of years of experience. It is therefore not discrimination but rather an essential qualification.

Myth 4

Official bilingualism is not necessary because all Francophones in New Brunswick speak both official languages.

Reality

First of all, close to 30%³ of New Brunswick Francophones are not bilingual. Second, just because someone is bilingual doesn't mean he or she wishes to be served in English. For instance, in the health sector, bilingual people will often prefer to use their mother tongue, because they want to be sure to be well understood by medical staff. Moreover, Francophones know it's important to live, work, and play in French to ensure the future of the language. As a result, they will choose to be served in French in order to actively contribute to the vitality of their language.

It is worth noting that the *Official Languages Act* gives all citizens the right to be served in their preferred official language, whether they speak the other official language or not.

Myth 5

Bilingualism is bad for the economy.

Reality

The *Two languages: It's good for business*⁴ study clearly demonstrates the many economic advantages of bilingualism. For example, because of its two official languages, New Brunswick has a customer contact centre and back office industry that generates \$1.4 billion worth of export revenue annually for the province. Notably, this economic activity benefits unilingual Anglophones more than bilingual people. In fact, companies that came to the province for its bilingual workforce have created two unilingual English jobs for each bilingual position.

Myth 6

People do not expect to receive government services in English in predominantly Francophone regions.

Reality

And yet, they are able to. A comprehensive audit⁵ conducted recently by our office found that it is possible to obtain a government service in English in all regions of the province, including the Acadian Peninsula and the northwestern part of the province. Such is not the case for services in French. The audit concluded that there were failures in obtaining services in French in four regions of the province.

Myth 7

The French language is not under threat in New Brunswick.

Reality

Most of us have met New Brunswickers whose mother tongue is French, but who hardly or no longer speak the language. By contrast, who has ever met a New Brunswicker whose mother tongue is English and who no longer speaks it?

This observation is not surprising. When two languages coexist in the same territory and one exercises more influence than the other, there is always a risk of assimilation.

The English language exercises a strong influence throughout North America. Francophone educational and cultural institutions are essential for the protection and preservation of the Francophone community⁶.

Myth 8

Duality divides the two linguistic communities.

Reality

Duality means two. And New Brunswick has two official linguistic communities: one Anglophone, the other Francophone. The *Canadian Charter of Rights and Freedoms* states that each linguistic community in New Brunswick has the right to its own educational and cultural institutions (e.g., schools).

Far from being divisive, duality actually promotes unity. Here's why: To flourish, any linguistic community needs places where its members can live fully in their language. That's the reason for having distinct cultural and educational institutions. By ensuring the development of each community, these institutions promote the equality of the two groups. And equality fosters unity.

However, distinct institutions do not prevent dialogue between the two linguistic groups. They come together regularly, in many areas of activity, for example, at work or at play.

Myth 9

The establishment of two regional health authorities – Horizon and Vitalité – means that we have Anglophone and Francophone hospitals.

Reality

All hospitals in the province must serve the public in both official languages. This is set out in the *Official Languages Act*. A hospital may adopt an internal working language for its staff, but this in no way changes its obligation to serve members of the public in both English and French.

Myth 10

The Commissioner of Official Languages only handles complaints from Francophones.

Reality

In the last fiscal year, approximately one third⁷ of admissible complaints handled by the Office of the Commissioner concerned services in English.

New Brunswick has more Anglophones than Francophones. It's therefore not surprising that being served by government in English poses fewer problems.

Myth 11

The Commissioner can impose French Immersion programs on all New Brunswick schools.

Reality

The *Official Languages Act* does not apply to educational institutions. That means that I do not have any jurisdiction over the school system. Therefore, decisions pertaining to French immersion are the sole responsibility of government and district educational councils. Moreover, as Commissioner, I cannot impose anything on any government institution. My power is limited to making recommendations.

Myth 12

The Commissioner of Official Languages for New Brunswick sets the rules for official bilingualism in the province.

Reality

Who does what with respect to official languages in New Brunswick is often the subject of confusion.

Let's clarify:

- Members of the Legislative Assembly (MLAs) adopt legislation. Accordingly, MLAs have unanimously adopted the *Official Languages Act*.
- The Premier of New Brunswick is responsible for the administration of the Act. Section 2 of the Act itself assigns this responsibility to the Premier. The government he leads is responsible for implementing the various elements of the Act.
- The Commissioner of Official Languages provides oversight over government's administration of the Act. To do so, I conduct investigations and make recommendations aimed at ensuring compliance with the Act. I have only the power to make recommendations, not to impose measures. The Act also confers on me the role of promoting the advancement of both official languages.
- The courts resolve disputes according to law. Under the *Official Languages Act*, if a complainant is not satisfied with the conclusions of an investigation conducted by the Office of the Commissioner, he or she may apply to the Court of Queen's Bench for a remedy.

1- As of March 31, 2016, data for Part I, provided by the New Brunswick Department of Human Resources

2- Evolution of Bilingualism in New Brunswick, Canadian Institute for Research on Linguistic Minorities, 2015

3- Statistics Canada, 2011 Census

4- *Two languages: It's good for business*, Pierre-Marcel Desjardins and David Campbell, Office of the Commissioner of Official Languages for New Brunswick, 2015

5- Compliance of Part I departments and agencies with the *Official Languages Act*, 2015-2016 Annual Report of the Office of the Commissioner of Official Languages for New Brunswick

6- "When attempts are made to integrate two systems, one of which is weaker than the other, the lack of symmetry in bilateral relations will cause the integration process to weaken even further the weaker of the two parties. It may eventually become assimilated within a structure – in economic, social and cultural terms – not much different from that of the stronger party." *Reviews of National Policies for Education*, Canada, Organization for Economic Co-operation and Development, 1976

7- 2015-2016 Annual Report of the Office of the Commissioner of Official Languages for New Brunswick

Commissioner of Official Languages' Role Explained

Published on November 14, 2016

In 2002, Members of the Legislative Assembly of New Brunswick unanimously adopted a new *Official Languages Act*. This Act created the position of Commissioner of Official Languages for New Brunswick, and confers on me as Commissioner a dual mandate. First, I must investigate, report on, and make recommendations with regard to compliance with the Act. Second, I must promote the advancement of both official languages in the province. This text provides a summary of how the Office of the Commissioner carries out this dual mandate. It 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.”

Compliance with the Act

Many people describe the Commissioner of Official Languages as the guardian of language rights. They are right. I must report to the Legislative Assembly on the extent to which provincial institutions are living up to their obligations under the *Official Languages Act*.

The investigations we conduct are our primary means of ensuring that the language rights of New Brunswickers are upheld. Indeed, they enable us to identify the causes of situations of non-compliance with the Act and to recommend measures to avoid their recurrence.

Most investigations are undertaken as a result of public complaints. Last year, about one-third of admissible complaints pertained to a lack of services in English and two-thirds, to a lack of services in French.

We always conduct our investigations in a spirit of collaboration, and as a general rule, institutions cooperate with us and respond positively to our recommendations. However, there are exceptions. Institutions sometimes allow complaints to accumulate or delay in taking corrective action to comply with the Act. That is why, in 2013, MLAs amended the Act to give the Commissioner the authority to publish investigation reports, thereby

shining a light on recurring situations of non-compliance with the Act.

Principle of equality: at the heart of our recommendations

Our investigation reports often include recommendations. It should be noted here that the recommendations we make are always realistic and pragmatic to ensure they can be implemented by institutions. Recommendations made by the Commissioner's office are aimed at guaranteeing that all citizens are able to receive public services in the official language of their choice. This is the promise of the *Official Languages Act*, a promise also set out in the *Canadian Charter of Rights and Freedoms*.

The *Charter* includes a number of provisions specific to New Brunswick. One such provision is the principle of the equality of New Brunswick's two official languages and two linguistic communities.

This principle of equality is fundamental. It means that public services must be of equal quality in English and in French. In other words, it is unacceptable to provide members of one of the province's official linguistic communities with a service of lesser quality.

All recommendations made by the Commissioner's office are therefore intended to ensure compliance with the fundamental principle of equality as outlined in the *Charter*.

The other key element of our mandate: promotion

As Commissioner, I must "promote the advancement of both official languages". Advancing towards what? Towards the equality of our two official languages. It should be noted that the *Charter* affirms "the authority of the Legislature and Government of New Brunswick to advance the status, rights and privileges" of our two languages.

My promotional mandate therefore falls within the context of advancing towards real equality between our two languages and our two official linguistic communities.

Since becoming Commissioner in 2013, we have carried out many promotional activities. Among other initiatives, we have:

- informed New Brunswickers of their language rights and encouraged them to exercise those rights by producing six factsheets on language rights;
- shed light on the benefits and economic potential of bilingualism in New Brunswick by publishing the first ever study on this topic: *Two Languages: It's Good for Business*;
- highlighted inspiring practices by provincial employees in the delivery of bilingual services in each of our last three annual reports;
- informed political leaders and the public about the status of bilingualism in the province by

publishing a study on the evolution of bilingualism in New Brunswick;

- informed the public about official bilingualism by publishing one of the first texts intended to dispel the myths surrounding official languages in all of the province's daily newspapers;
- given a number of speeches at various pan-Canadian events in order to promote the unique character of New Brunswick as the only officially bilingual province.

Promoting the advancement of our two official languages is something I feel very strongly about. Naturally, our promotional activities are constrained by the financial resources available to us.

Accountability

As with other officers of the Legislative Assembly, the position I hold is independent of the government. However, I am held accountable for my work. Every year, I must prepare and submit to the Legislative Assembly, a report on the activities of the Commissioner's office. Also, over the past few years, I have appeared several times before committees of the Legislative Assembly.

A few months ago, I asked to present our office's 2015-2016 annual report to an open meeting of the legislative committee charged with reviewing the work of legislative officers. That request was granted, and on June 21, 2016, I had the opportunity to discuss a number of issues pertaining to my mandate and respond to questions posed by MLAs from the three political parties. During my appearance at the June meeting, I stated that I wished to have regular meetings with this committee in order to report on my work.

Are you bilingual?

That depends on the level required...

Published on February 20, 2017

When a position requires bilingualism, there is a common misconception that it means a complete mastery of English and French. This is not the case. In fact, different positions require different levels of bilingualism. It is the nature of the job and the associated communication tasks that generally determine what is needed (speaking, reading, and writing) as well as the required proficiency levels in one or more of these categories.

A matter of levels

The New Brunswick Department of Post-Secondary Education, Training and Labour (PETL) is responsible for evaluating the language proficiency of government employees as well as applicants for government positions. The Department uses a scale comprised of several levels to evaluate oral proficiency in each official language. Following is an overview of the main levels, summarized from government documents¹:

- At the Basic level (1), the individual can give simple directives and instructions. An office employee will be able to inform a resident that a program officer is absent and suggest another employee who can help.
- At the Intermediate level (2), the individual can provide simple explanations and talk about past, present, and future events. For example, a manager will be able to explain the process to hire a temporary employee to a co-worker.
- At the Advanced level (3), the individual can provide detailed explanations and descriptions, defend an opinion, convey a point of view or justify an action. At this level, a senior official will be able to present the features of a new program to a group of people and answer their questions.

- Lastly, at the Superior level (4), the individual can persuade and negotiate and is able to use nuance and subtlety when speaking. For example, a lawyer will be able to defend his or her client in a legal proceeding and a director of human resources will be able to direct the bargaining team for a collective agreement.

What is my level?

In New Brunswick, a person may obtain an evaluation of their second language proficiency by contacting Language Services at PETL².

The oral proficiency evaluation assesses the general ability to communicate in professional and social situations. The evaluation method is the same whether it be for the evaluation of French or English. It consists of a 20 to 40 minute telephone conversation between the person being evaluated and a certified evaluator. During the conversation, the evaluator gradually increases the level of difficulty of the conversation until the competency level is reached of the person being evaluated. The individual evaluated then receives a certificate indicating the level of proficiency attained.

Second language proficiency levels for immersion and intensive French students

In the school system, the scale of levels used in the oral proficiency assessment of students enrolled in French immersion and intensive French is very similar to the PETL scale described above.

Following the assessment, each student receives a certificate which specifies the level of second-language proficiency he or she has achieved. In other words, this certificate does not indicate by a simple “yes” or “no” – if the student is bilingual.

The second-language proficiency certificate a student receives certainly does not mark the end of their second-language learning. In fact, among high school graduates who go on to pursue their studies, many of them also recognize the importance of continuing to improve their second language proficiency, whether at college, university or through other life pursuits. With a good grounding in their second language acquired in school coupled with continuous learning in the years that follow, they are well positioned to qualify for jobs that require competency in both official languages, in both the public and private sectors.

Bilingual government jobs: how bilingual is bilingual enough?

A few years ago the Office of the Commissioner of Official Languages for New Brunswick conducted a study on the recruitment of bilingual staff in the

provincial public service³. At that time, we highlighted that provincial government departments do not publish the required levels of language proficiency in ads for jobs that require bilingualism, while all other essential qualifications are clearly stated in the ads. This practice is perplexing to say the least. By not publishing the level of bilingualism required, applicants are not able to determine for themselves whether they have the required levels of language proficiency. We often hear of candidates who would have the required language proficiency but decide not to apply because they assume, often wrongly, that they are not “bilingual enough.” Not publishing the level of bilingualism required for bilingual positions is like expecting someone to write an exam without telling them what the pass mark is.

The current practice of not publishing the required levels of bilingualism undermines the transparency of the recruitment process and casts doubt on its fairness. Some may wonder whether the required proficiency levels will be set or adjusted once applications have been received. Others may believe that the language proficiency requirements might be set to suit a particular applicant who satisfies most of the job requirements but does not have the required level of second-language proficiency.

In the federal public service, the required levels of proficiency in each of the two official languages are clearly stated in job postings. Therefore, the rules are clear. It is high time for the government of New Brunswick to do the same.

1, 2 - Language Testing – Website of the New Brunswick Department of Post-Secondary Education, Training and Labour
3 - Office of the Commissioner of Official Languages for New Brunswick, 2013-2014 Annual Report, pages 16 to 34



QUESTION PERIOD AT THE LEGISLATIVE ASSEMBLY: 83% 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, and 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 Legislature’s activities. 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 April 1, 2016, to March 31, 2017 (48 daily sittings), shows that, on average, debates were carried on 83% of the time in English. This result is slightly higher than the previous period between April 1, 2015, and March 31, 2016 (42 daily sittings), which was 80%.

It is interesting to note that question period debates were carried out in English, ranging from a high of 100% on November 17, 2016 to a low of 59% on July 7, 2016.

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

Use of English and French during Question Period				
	2013-2014	2014-2015	2015-2016	2016-2017
English	82%	82%	80%	83%
French	18%	18%	20%	17%

PRESENTATIONS BY THE COMMISSIONER



Photo: Daniel St Louis

Below is a list of events at which the Commissioner has given speeches or made presentations during the 2016-2017 fiscal year:

- | | |
|----------------|---|
| April 11, 2016 | Standing Senate Committee on Official Languages
Presentation on key issues for Francophone communities in minority situations and collaboration between Canada's language commissioners, Ottawa |
| April 26, 2016 | French for the Future – Fredericton Forum
Welcoming remarks at the Opening Ceremony, Fredericton |
| May 5, 2016 | International Conference – For And Against Models Of Official Multiculturalism And Multilingualism
Round Table: Managing Canada's Official Linguistic and Cultural Diversity
Presentation of the Office of the Commissioner's study on the economic benefits of bilingualism <i>Two Languages: It's Good for Business</i> (March 2015), McGill University, Montréal |
| May 7, 2016 | Canadian Parents for French NB – 30th anniversary of the French Public Speaking Contest
Welcoming remarks at the Opening Ceremony, Moncton |
| May 10, 2016 | Group of retired Francophones in the Moncton area
Presentation and discussion – Official Languages in New Brunswick, Moncton |
| May 16, 2016 | French Second Language Learners (provincial civil servants)
Presentation of the Office of the Commissioner's study on the economic benefits of bilingualism <i>Two Languages: It's Good for Business</i> (March 2015), Fredericton |

May 29, 2016	Keynote address at the 46th Annual General Meeting of the Association des enseignants et enseignantes francophones du Nouveau-Brunswick, Fredericton
June 2, 2016	Conference of Official Languages Champions (federal civil service) Presentation on language challenges and issues in New Brunswick, Ottawa
June 3, 2016	Quebec Community Groups Network (QCGN) - Convention and Annual General Meeting Panel presentation on Commissioner's mandate and official bilingualism and duality in New Brunswick, Montréal
June 21, 2016	Standing Committee on Procedure, Privileges and Legislative Officers of the Legislative Assembly Presentation of the 2015-2016 Annual Report of the Office of the Commissioner of Official Languages for New Brunswick, Fredericton
September 9, 2016	Comité des 12 et de l'Université du Troisième Age Presentation and discussion on the Commissioner's role and on official languages in New Brunswick, Caraquet
September 21, 2016	Celebration highlighting the end of the mandate of the Commissioner of Official Languages of Canada, Mr. Graham Fraser Speech on Commissioner's Fraser contribution, Ottawa
September 23, 2016	Deputy Ministers of Part I of New Brunswick Public Service Presentation of the 2015-2016 Annual Report of the Office of the Commissioner of Official Languages for New Brunswick, Fredericton
November 4, 2016	Webinar to members of the International Association of Language Commissioners Presentation on the results of the compliance audits by Part I departments and agencies with the <i>Official Languages Act</i>
November 7, 2016	Students of Prof. Ed Rawlinson Presentation on official languages in New Brunswick - St. Thomas University, Fredericton
February 9, 2017	Delegation from Finland (members of the Board of Svenska Folkskolans Vänner) Presentation on official languages in New Brunswick (via SKYPE)
March 5, 2017	150 years of Legislative and Judicial Bilingualism: History, current reality and outlook for the future - Moderator of a panel during the conference, Ottawa
March 28, 2017	Book Launch – Author Michel Doucet : <i>Les droits linguistiques au Nouveau-Brunswick : À la recherche de l'égalité réelle!</i> Master of ceremonies, Université de Moncton
March 30, 2017	Federal/provincial/territorial Ministerial Forum on Francophone Immigration Presentation to ministers responsible for immigration and ministers responsible for the Francophonie Moncton

COMMISSIONER D'ENTREMONT: *L'Acadie Nouvelle's* PERSON OF THE YEAR

On December 29, 2016, New Brunswick's Francophone daily newspaper, *L'Acadie Nouvelle*, named its Person of the Year for 2016: Commissioner Katherine d'Entremont.

The article written by journalist Mathieu Roy-Comeau on this occasion provided the Commissioner with an opportunity to discuss the role of the Commissioner as well as several issues dealt with by the Office in recent years.



NEW FACTSHEET ON PROFESSIONAL ASSOCIATIONS

Since July 1, 2016, over 40 associations in New Brunswick that regulate a profession have been required to provide their services in both official languages. In order to inform members of these associations and the general public about their linguistic rights when communicating with these organizations, the Office of the Commissioner has prepared a new factsheet (see over). In addition to summarizing the main language obligations of associations, the factsheet lists the 43 professional associations that are covered by the *Official Languages Act*.

The language obligations of professional associations are the result of changes made to the *Official Languages Act* by members of the Legislative Assembly in 2013 and 2015. These changes came into force in July 2016.

The factsheet on professional associations is the sixth in a series on language rights in New Brunswick. The five other factsheets are on government and public services, health care, police services, justice, and municipal and regional services. They are available on the Office of the Commissioner's website in the *My Rights* section.

AND MORE USER-FRIENDLY FACTSHEETS



Until just recently, the Office of the Commissioner's factsheets on language rights were available only in PDF format. For ease of reading on tablets and mobile phones, they are now available in Web format.

Your language rights in New Brunswick

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

FACTSHEET 6 - Professional Associations

What you need to know

Professional associations that regulate a profession (see list) must offer and provide their services in both official languages. Any person (citizen or member) has the right to communicate with these professional associations and to receive services in his or her official language of choice.

The linguistic obligations of professional associations apply to all of their communications and services, for example:

- Admission exams and associated documentation;
- Information for members or the public (e.g. website);
- Procedure for filing a public complaint;
- Professional development courses;
- Meetings of the disciplinary board;
- Members' meetings and related documentation;
- Responses to inquiries from the public or members.

Note: Exception

Professional associations that are not established by a provincial act and that do not regulate a profession do not have linguistic obligations under the *Official Languages Act*.

An important role

The role of a professional association is to protect the public. In order to do so, it regulates and oversees the exercise of a profession through the powers conferred on it by a provincial act. An association's responsibilities include the following:

- Admission of candidates to the exercise of the profession;
- Enforcement of professional standards (code of ethics);
- Practice inspections;
- Handling of complaints from the public and management of the disciplinary process.

Across the province

The linguistic obligations of professional associations apply across the province.



All communications

The language obligations of professional associations apply to all types of communication.



Active offer of service

From the moment of first contact, you must be greeted in both official languages so that you know that services are available in both English and French.



Services of equal quality

The services provided must be of equal quality in both languages.



Did you know?

- Under the *Official Languages Act*, a person cannot be placed at a disadvantage because he or she chooses one official language rather than the other to fulfil a requirement of a professional association, such as writing an exam.
- Professional associations have had language obligations since July 1, 2016.

Professional associations with language obligations

Following is the list of professional associations with obligations under the *Official Languages Act* of New Brunswick. This list was provided by the Government of New Brunswick and may be subject to change without notice.

- Architects' Association of New Brunswick (AANB)
- Association of New Brunswick Land Surveyors (ANBLS)
- Association of New Brunswick Licensed Practical Nurses (ANBLPN)
- Association of New Brunswick Massage Therapists (ANBMT)
- Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB)
- Association of Registered Interior Designers of New Brunswick (ARIDNB)
- Association of Registered Professional Foresters of New Brunswick (ARPFNB)
- Board for Registration of Embalmers, Funeral Directors and Funeral Providers of New Brunswick
- Chartered Professional Accountants New Brunswick (CPANB)
- College of Physicians and Surgeons of New Brunswick (CPSNB)
- College of Physiotherapists of New Brunswick (CPTNB)
- College of Psychologists of New Brunswick (CPNB)
- Corporation of Translators, Terminologists and Interpreters of New Brunswick (CTINB)
- Cosmetology Association of New Brunswick (CANB)
- Law Society of New Brunswick (LSNB)
- New Brunswick Association of Dietitians (NBAD)
- New Brunswick Association of Medical Radiation Technologists (NBAMRT)
- New Brunswick Association of Occupational Therapists (NBAOT)
- New Brunswick Association of Optometrists (NBAO)
- New Brunswick Association of Planners (NBAP)
- New Brunswick Association of Real Estate Appraisers (NBAREA)
- New Brunswick Association of Respiratory Therapists, Inc. (NBART)
- New Brunswick Association of Social Workers (NBASW)
- New Brunswick Association of Speech-Language Pathologists and Audiologists (NBASLPA)
- New Brunswick Building Officials Association (NBBOA)
- New Brunswick Chiropractors' Association (NBCA)
- New Brunswick College of Dental Hygienists (NBBDH)
- New Brunswick College of Pharmacists (NBPCP)
- New Brunswick Dental Assistants Association (NBDAA)
- New Brunswick Dental Society (NBDS)
- New Brunswick Denturists Society (NBDS)
- New Brunswick Home Economics Association (NBHEA)
- New Brunswick Institute of Agrologists (NBIA)
- New Brunswick Podiatry Association (NBPA)
- New Brunswick Real Estate Association (NBREA)
- New Brunswick Registered Barbers' Association (NBRBA)
- New Brunswick Society of Cardiology Technologists (NBSCT)
- New Brunswick Society of Certified Engineering Technicians and Technologists (NBSCETT)
- New Brunswick Society of Medical Laboratory Technologists (NBSMLT)
- New Brunswick Veterinary Medical Association (NBVMA)
- Nurses Association of New Brunswick (NANB)
- Opticians Association of New Brunswick
- Paramedic Association of New Brunswick (PANB)

If your rights are not respected

If you believe that your language rights have not been respected, we invite you to contact us. It is easy to file a complaint, and the investigations we conduct help to improve the quality of bilingual services. Click on this [link](#) for more information.

How to contact us

Office of the Commissioner of Official Languages
for New Brunswick

Telephone: 1-888-651-6444

Email: commissioner@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