

OFFICE OF THE COMMISSIONER  
OF OFFICIAL LANGUAGES  
FOR NEW BRUNSWICK



COMMISSARIAT AUX  
LANGUES OFFICIELLES DU  
NOUVEAU-BRUNSWICK

# Annual Report

Office of the Commissioner  
of Official Languages

**2024-2025**

## **2024-2025 Annual Report**

ISBN Bilingual print version - 978-1-4605-4409-9  
ISBN Online English version - 978-1-4605-4410-5  
ISBN Online French version - 978-1-4605-4411-2

ISSN: 1712-0381

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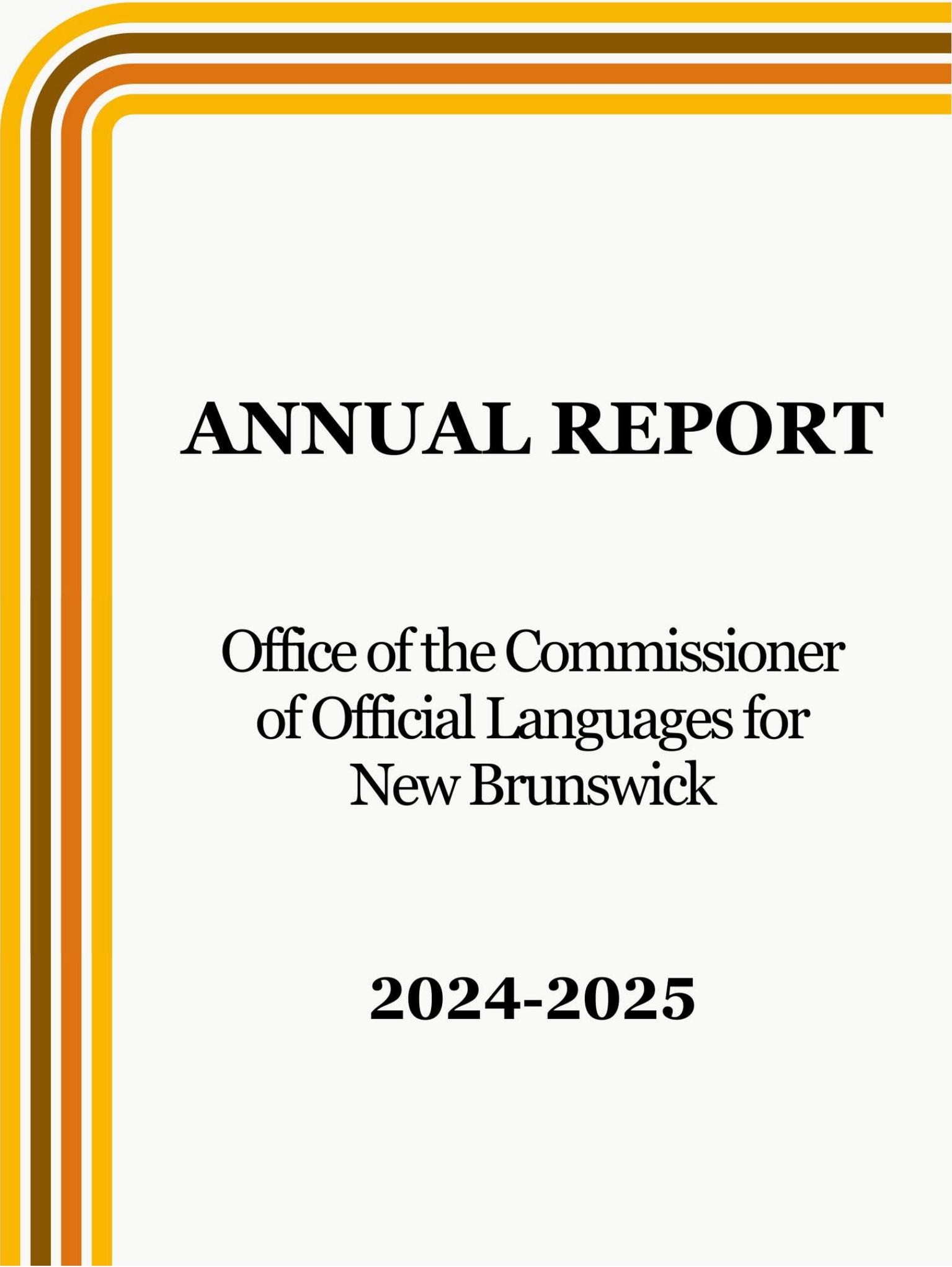
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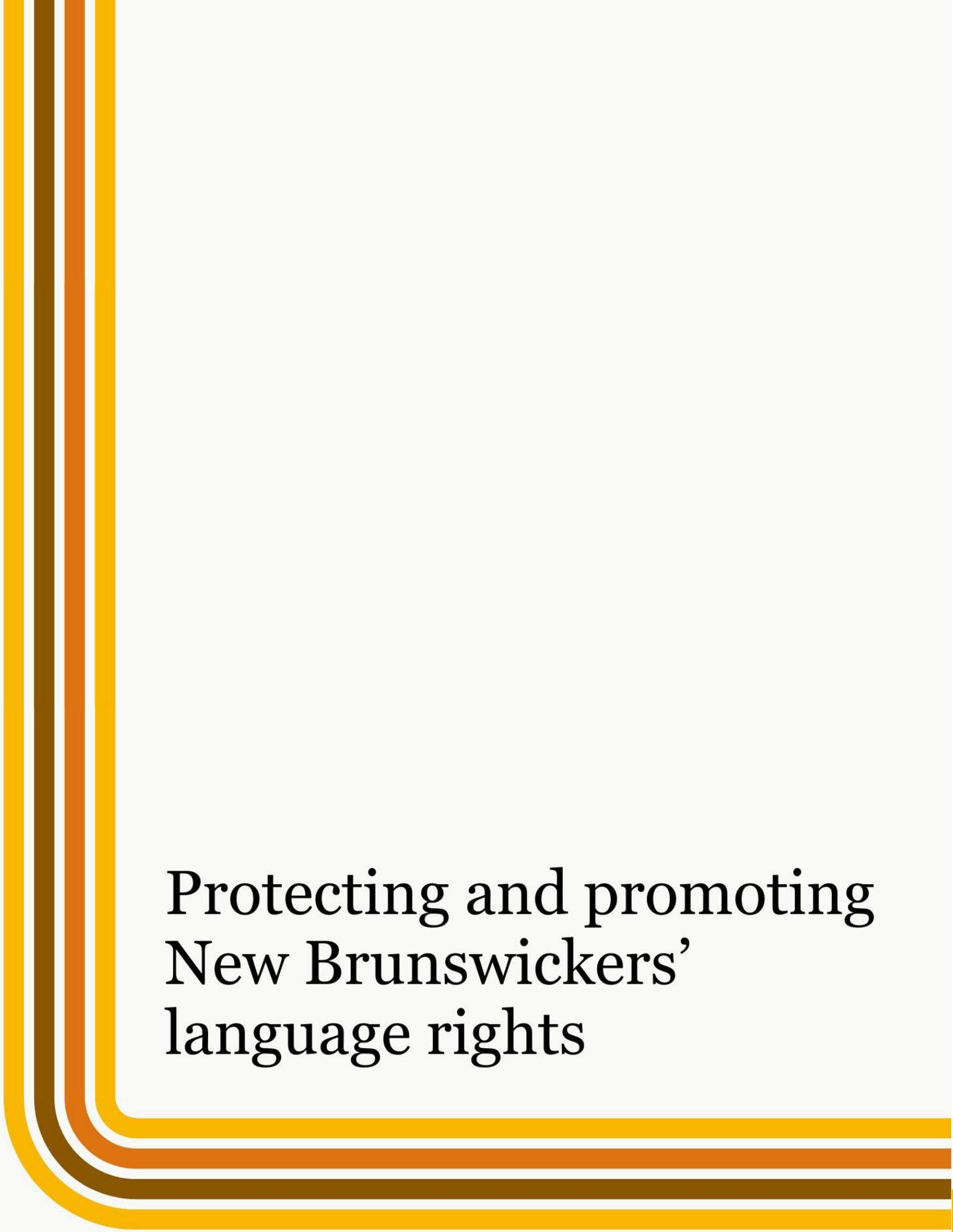
COMMISSARIAT AUX  
LANGUES OFFICIELLES DU  
NOUVEAU-BRUNSWICK



# **ANNUAL REPORT**

Office of the Commissioner  
of Official Languages for  
New Brunswick

**2024-2025**



Protecting and promoting  
New Brunswickers'  
language rights



January 2026

Hon. Francine Landry  
Speaker of the Legislative Assembly

Madam Speaker,

Pursuant to subsection 43(21) of the *Official Languages Act*, I am pleased to submit the report with respect to the activities of the Office of the Commissioner of Official Languages for New Brunswick for the period from April 1, 2024, to March 31, 2025.

Should members of Standing Committee on Official Languages wish that I appear before them to answer any questions related to our report, we would be pleased to accommodate them at their earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "S. MacLean".

Shirley C. MacLean, K.C.  
Commissioner of Official Languages for New Brunswick





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## **New Brunswick: Canada's only officially bilingual province**

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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.

## ***The Official Languages Act***

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The *Official Languages Act* (OLA) of New Brunswick 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; and
- » professional associations that regulate a profession in New Brunswick.

In addition, the OLA imposes linguistic 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; and
- » Regional Service Commissions 1, 2, 3, 5, 6, 7, 9, and 11.

## **Exceptions**

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It should be noted that the OLA does not apply to distinct educational institutions or distinct cultural 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**

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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 that has obligations under the OLA.

## **Active offer**

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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 and answer the telephone in both official languages. It is not up to citizens to request services in their language, it is the institution's obligation to make that offer. The active offer must also be provided through bilingual signage.

## **The position of the Commissioner of Official Languages**

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The OLA established the position of Commissioner of Official Languages in 2002.

In November 2019, Shirley MacLean was appointed to the position. Her mandate began in January 2020. She became the third person to hold the position.

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**

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The OLA provides that the Commissioner 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 report provides a description of the activities carried out between April 1, 2024, and March 31, 2025.



# Commissioner's message



As I look over the time that covers this annual report, I could not help but think about where we find ourselves. When I started my role as Commissioner, we almost immediately entered the COVID-19 pandemic. This constituted an emergency situation that few of us were ready for, and which resulted in the need to adjust how we did many things. This year, with the re-election of President Trump in the United States, we are once again faced with an environment which could create the possibility of an economic emergency for all Canadians, and certainly for New Brunswickers.

When it comes to official languages, I am noting some trends that remain the same, and others that appear to be worsening or becoming more entrenched. Some are troubling. As I often say, most government institutions know what their obligations are under the *Official Languages Act* (OLA), and work with our office to remedy issues that are brought to our attention. However, I continue to be very concerned about the matters we see at the Office of the Commissioner of Official Languages that repeat past complaints; especially those in the healthcare sector.

## **Health services in both official languages**

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Last year in our annual report, we highlighted the role and use of technology by government when it is used to provide better access to government services for the public.

There is not a day that goes by that the issue of access to healthcare is not raised in the news here in New Brunswick. Whether it is access to a primary healthcare provider, wait times at emergency rooms, temporary emergency room closures, our aging population, or staffing issues, New Brunswickers face significant challenges in accessing healthcare services.

At the Office of the Commissioner of Official Languages, we are also regularly contacted by New Brunswickers who failed to receive healthcare services in their official language of choice.

Over the previous two annual reports, our office has highlighted complaints filed by New Brunswickers about two platforms, eVisitNB and MyHealthNB, and the public's inability to receive health services in the official language of their choice. These are both online platforms implemented by the Department of Health in an attempt to provide better access to healthcare services to New Brunswickers.

In the case of eVisitNB, we have heard about francophone New Brunswickers being told that if they opted to use French on the online platform, they could expect a longer wait time. The eVisitNB platform still requires francophone registrants to take additional steps to register if they wish to be served in French.

In December 2024, I issued a press release about the MyHealthNB platform. Complainants were able to navigate the site in their official language of choice, English, but were unable to access their medical test results in English.

Notwithstanding that my office takes the position that MyHealthNB offers services that are intended for the public and are meant to be accessible to the patient who accesses their MyHealthNB account, the Department of Health continues to fail to provide access to many of these results in the official language of the patient. This is not equality of service to our two official linguistic communities. In addition, although my office continues to receive and investigate numerous complaints about the MyHealthNB platform, the Department of Health has taken no steps to ameliorate the situation and implement my recommendations.

As Commissioner of Official Languages, I have no mechanism to impose my recommendations on any institution with obligations under the OLA. In the case where technology is used in creating new ways to access services, it appears in some cases that official language obligations are not taken into consideration when setting up these platforms, or worse, are ignored as part of a cost-benefit analysis by the government.

Although outside the timeline covered by this report, we have recently seen a decision rendered by the New Brunswick Court of King's Bench, (*Ouellet c Réseau de santé Horizon, Moncton Hospital, Province du Nouveau-Brunswick*, 2025 NBBR 242) imposing \$5000 in damages on Horizon Health Network, when a member of the public did not receive services in the official language of their choice.

Justice Hamou noted:

[Translation] *“In the instant case, the Plaintiff’s language rights were violated repeatedly and by several members of the Defendant Horizon’s staff. No operational changes were observed in the field after these violations were reported to the Commissioner and became the subject of a report by the Commissioner.”*

She also stated:

[Translation] *“It is the repeated violation of the Plaintiff’s language rights in this case and the stagnation in the implementation of an effective institutional response that militate in favour of a damage award.”*

Unfortunately, we continue to see repeated cases of failure to provide services in both official languages, and especially in the minority official language when it comes to healthcare services. Will the *Ouellet* decision have any impact on these ongoing areas of concern? It remains to be seen, and I will be watching closely.

### **Vitality of our two official linguistic communities – review of the OLA**

Data from the 2011, 2016 and 2021 Censuses confirm that the vitality of the French language in New Brunswick cannot be taken for granted. The results show a continued decline in the proportion of French in New Brunswick, which raises serious concerns for all of us, including families, our education system, government institutions and the business community.

I have continued to recommend that the government must enhance their immigration targets to increase francophone immigration to the province. However, the answer does not rest with one sector alone. Immigration alone cannot stem the decline. We all have a role to play in supporting the vitality of the French language. All New Brunswickers, and especially francophones, must use the language. Those of us with second language competency in the official minority language must use it and encourage other New Brunswickers to do the same. In addition, the Government of New Brunswick has a crucial role to play in enhancing educational capacity in the French language, in increasing access to immersion programs and in increasing access to francophone daycare spaces.

In January 2023 there remained 7100 languages in the world. Experts predict that in this century 50% to 90% of these languages will disappear. (*Le Monde diplomatique, Manière de Voir, Cultures en danger de mort*, Jacques Leclerc, numéro 186, décembre 2020-janvier 2023).

According to the author:

[Translation] *“The death of a language is never sudden. The first symptom of its decline appears when a population begins to abandon its use, forsaking it for another language deemed more ‘advantageous.’”*

The percentage of people in New Brunswick who speak French predominately at home fell from 28% in 2016 to 26.4% in 2021. What will the 2027 Census numbers reveal?

The Holt government has undertaken to have the Standing Committee on Official Languages review the Finn-McLaughlin Report and the OLA by the end of 2026.

As Commissioner, I will be making recommendations that concrete steps be undertaken which will preserve, protect and enhance the official minority language in New Brunswick.

I believe we must address the decline of the French language in New Brunswick in an aggressive manner. A language can be lost – let's be vigilant. Doing so will benefit all New Brunswickers!

Progress towards true linguistic equality is linked to political leadership and vision. Leaders such as Louis J. Robichaud and Richard Hatfield had that vision, which resulted in the adoption of some of the most significant language legislation in Canada, creating strong constitutional protections for our two official languages. I encourage the current government to have the courage to take the steps required to reverse the lost opportunity of the last review of the OLA.

### **How to move the dial towards true equality**

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In order to effect change and work with institutions to help create solutions, our office requires complaints. This is not a negative concept. In fact, the majority of complaints with which our office deals are resolved using our alternative resolution process. This means that the institution or organization recognizes they have not met their obligations under the OLA and concrete steps are taken to resolve them.

However, if individuals from both official linguistic communities do not bring the issues to our attention, there is a possibility that the matter will not be remedied. I believe it is important for all of us to take on a role in ensuring that when we are not greeted with the active offer of services or do not receive services from an institution that is required to provide them, that the issues are raised with my office so that we can address them. This too will ensure the vitality of our two official languages. Institutions need to know that the demand for these services exists, and they are required to have resources in place to provide them.

This comes back to the role that each of us must play when it comes to official languages in New Brunswick. It is important for all of us to be heard when it comes to our language rights. I encourage all New Brunswickers to raise their concerns with us so that my office can work to effect positive changes.

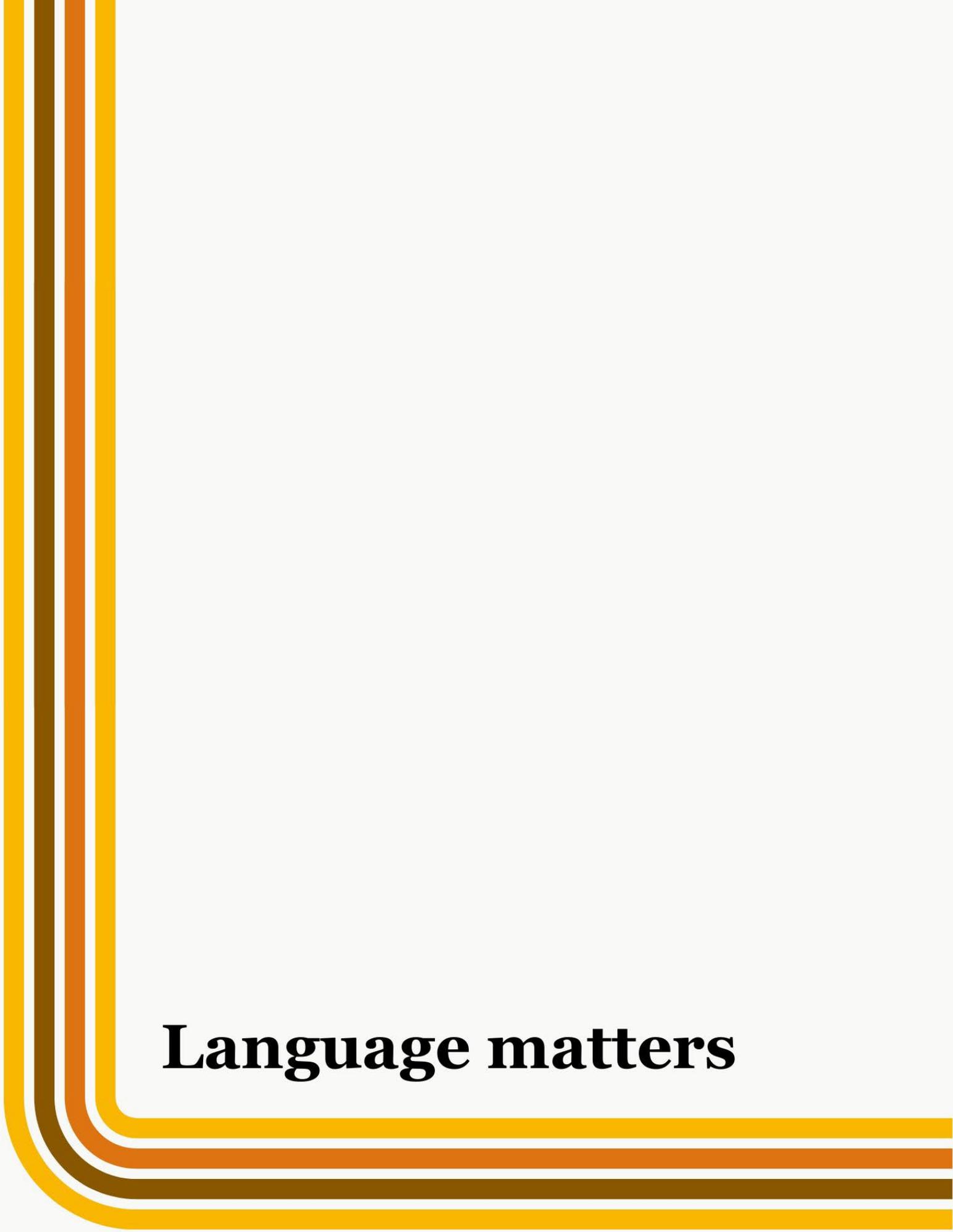
## Promotion – Hello/Bonjour

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Our office continued with the promotional campaign *Hello/Bonjour – Stories of Language / Histoires de langues* and worked on a re-launching of a newly improved online game. We will be back in all New Brunswick schools again in 2025-2026. The students who participated in the contest we launched were incredibly enthusiastic and their enjoyment of the platform was evident. We felt we simply had to continue the campaign, as the appreciation that was conveyed by the students and their teachers was very special. Being with the students and seeing their appreciation for our two official languages and their facility in using them reiterated to me, once again, that education is the key to understanding each other and that children have it right! They are very accepting, while we adults sometimes seem to make things too complicated.

I always like to finish on a positive note, which is very easy to do in my role. I wish to repeat, our office deals with a large number of complaints and thankfully, all institutions we work with understand their obligations under the *Official Languages Act*. I feel that, in and of itself, is a positive thing. In some cases, there is a difference of opinion about how to rectify the issues and we regularly hear about the structural constraints that institutions may have in delivering services. However, all are open to meeting with me to discuss remedies and I have never seen a refusal or lack of recognition of their linguistic obligations. Most importantly, there is always a desire to do better.

Let's continue to move together towards true equality for our two official linguistic communities.



**Language matters**



## Health and official languages

Some concerning developments

In last year's annual report, we highlighted our concerns around the use of technology by government institutions as a solution to service delivery issues to New Brunswickers. We noted that in New Brunswick we are receiving more and more government services through technology, which in many ways offers alternatives to access government services. Indeed, a large number of us are increasingly comfortable accessing many of our services using technology.

Some of these new platforms were developed by the Government of New Brunswick, but others have been “borrowed” in that they existed elsewhere, and we have modified them for use in our own province.

The Office of the Commissioner has seen situations where official language requirements have not been considered in developing or modifying these service delivery models and we cautioned:

*“Technological progress is important, but it must not come at the expense of the constitutional rights of New Brunswickers to have access to services and communications of equal quality in the two official languages from the provincial government.”*

That report highlighted in part issues raised by complainants via the use of eVisitNB Inc., which is a private company operating a virtual consultation platform on behalf of the Department of Health. EVisitNB is used by many New Brunswickers to access health services, especially by those who do not have access to a healthcare practitioner. Our office found there were serious breaches of the *Official Languages Act*.

Unfortunately, these issues have not yet been resolved and we continue to receive complaints. Francophone users are still required to ensure that their search parameters or registration requirements indicate that they want their services in French when such a requirement is not the case for anglophone users. In one case, a complainant waited online for three hours only to be told that the provider was unable to understand their request. In another case, the complainant again waited for hours only to receive the same response.

Our office has also been investigating complaints regarding the Department of Health's platform, MyHealthNB. MyHealthNB is a platform made available to all New Brunswickers to access medical test results. It displays users' immunization records as well as the results of medical tests completed at facilities of either of the province's two health authorities.

Until now, medical test results were internal work tools and, as such, were produced in the language of work established by each network: French for Vitalité Health Network and English for Horizon Health Network.

When test results become information shared with the public, they become subject to the *Act*, as they constitute communications between patients and the health network. However, test results on MyHealthNB are displayed only in the language in which they were produced. The complaints related to mostly anglophone users who were unable to assess their test results in their preferred language of choice, as they were only made available in French.

The Commissioner was so concerned about the investigation of the original complaints that, on December 11, 2024, she issued a press release on the matter. Our office's investigation had revealed that the Department of Health was aware of its linguistic obligations but that the Department appeared to attempt to mitigate the risk of complaints through the use of a disclaimer that indicated that some information of the platform is displayed only in the language of its originator.

The Commissioner stated in the press release that, *“The use of a disclaimer clearly indicates a willingness by the Department of Health to sidestep its statutory linguistic obligations. In fact, it demonstrates a conscious effort to disregard these obligations.”* The Department of Health subsequently removed the disclaimer but continues to provide medical test results on this platform without ensuring that the client has access to their test results in their official language of choice.

The Office of the Commissioner has continued to receive complaints about MyHealthNB and investigates each complaint. Currently, there is no acknowledgement by the Department of Health that they will ensure that all medical test results are available in the official language of choice of the user or the patient.

When the Department of Health originally developed a platform to enable New Brunswickers to access their COVID-19 test results, they took steps to ensure that they were available in both official languages. This is also the case with some other test results, such as blood test results, although notes appear in the language of the medical professional or technician and not of the patient/user. However, this is not the case with all medical test results. In some cases, this has led to extreme anxiety on the part of some patients/users. In one case a patient had been provided verbal details about a cancer diagnosis but when they looked online to examine the test results, which were not in their official language of choice, they could not read them well, but it appeared as if the diagnosis was more serious than what they had originally understood.

Again, these platforms have been developed for the use of the public and are intended for the public. The *Official Languages Act* clearly provides, in sections 27 and 29 that the public has the right to communicate with and to receive its services from government institutions in the official language of their choice.

The past use of a disclaimer and the ongoing refusal of the Department of Health to ensure that all users of MyHealthNB have access to their medical test results in their official language of choice constitute a flagrant disregard for the rights of New Brunswickers.

The Department of Health has, in the past, been cooperative in working with our office to ameliorate inequities and inequalities of services to patients such as working to ensure that forms issued to patients under the *Mental Health Act* are now available in both official languages. Will official language obligations continue to be disregarded when a new service delivery platform is developed by any other government of New Brunswick institution following the example of the Department of Health? The lack of engagement of the Department of Health in this matter is a serious concern to the Commissioner and should be a serious concern to all New Brunswickers.

Another issue that has raised concerns relates to complaints filed at the Office of the Commissioner with respect to certain healthcare-related services which are now being provided by the private sector.

Complaints regarding services provided by Innomar Clinic were filed with our office by patients who explained they require injectable medication. Previously, some of these patients received their injections in hospital outpatient clinics, where services are offered in both official languages.

According to the regional health authority, the administration of these medications is not covered by Medicare and therefore, for several months now, is no longer offered by the health network's outpatient clinics. Patients are redirected to community-based services, much in the same way as patients pick up their medications from private pharmacies. Innomar is a private company.

It may be that our office has no jurisdiction to examine the matter, and it may in fact be an issue relating to the application of the *Canada Health Act* as to whether the province is providing satisfactory access to medically necessary services to New Brunswickers. The province also determines what medical services are covered and which are not.



However, with the complaints mentioned, the patients were required to seek their medical services from a private provider when it had previously been accessed in with the public healthcare provider.

The issues of what constitute publicly insured medical services and how they are provided are outside the scope of our office. However, what is concerning for the Commissioner is that when there is movement of a service that was provided by a government institution to the private sector, there is a distinct possibility that the official language protections that the *Official Languages Act* provides may be lost. Our office will examine every complaint brought to our attention in order to determine whether official language rights are not being respected.

We certainly encourage the Government of New Brunswick and the Department of Health to consider their official language responsibilities to all New Brunswickers when considering transferring medical services to the private sector.

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, immigration plays an 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.

For decades, the Francophone minority in New Brunswick and Canada has seen its demographic weight steadily decline. Immigration is an area of shared jurisdiction between the federal government and the provincial and territorial governments. Immigration is a key sector over which the government has significant influence, and which has an impact on the demographic balance of the province.

## **Provincial immigration results**

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

The 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.

In March 2017, the provincial government signed the Canada-New Brunswick Immigration Agreement. This agreement includes an appendix directed at increasing the number of French-speaking immigrants destined to New Brunswick.

Since 2017, the provincial government has also administered the Atlantic Immigration Pilot Program (AIP). This pilot program helps employers in New Brunswick hire foreign skilled workers who want to immigrate to the province and international graduates who want to stay in the region after completing their post-secondary education.

In August 2019, the provincial government launched *New Beginnings: A Population Growth Strategy for New Brunswick 2019-2024*, which includes, among other measures, a continued target of 2% annual increase in its French-speaking nominations (to reach 33% by 2024).

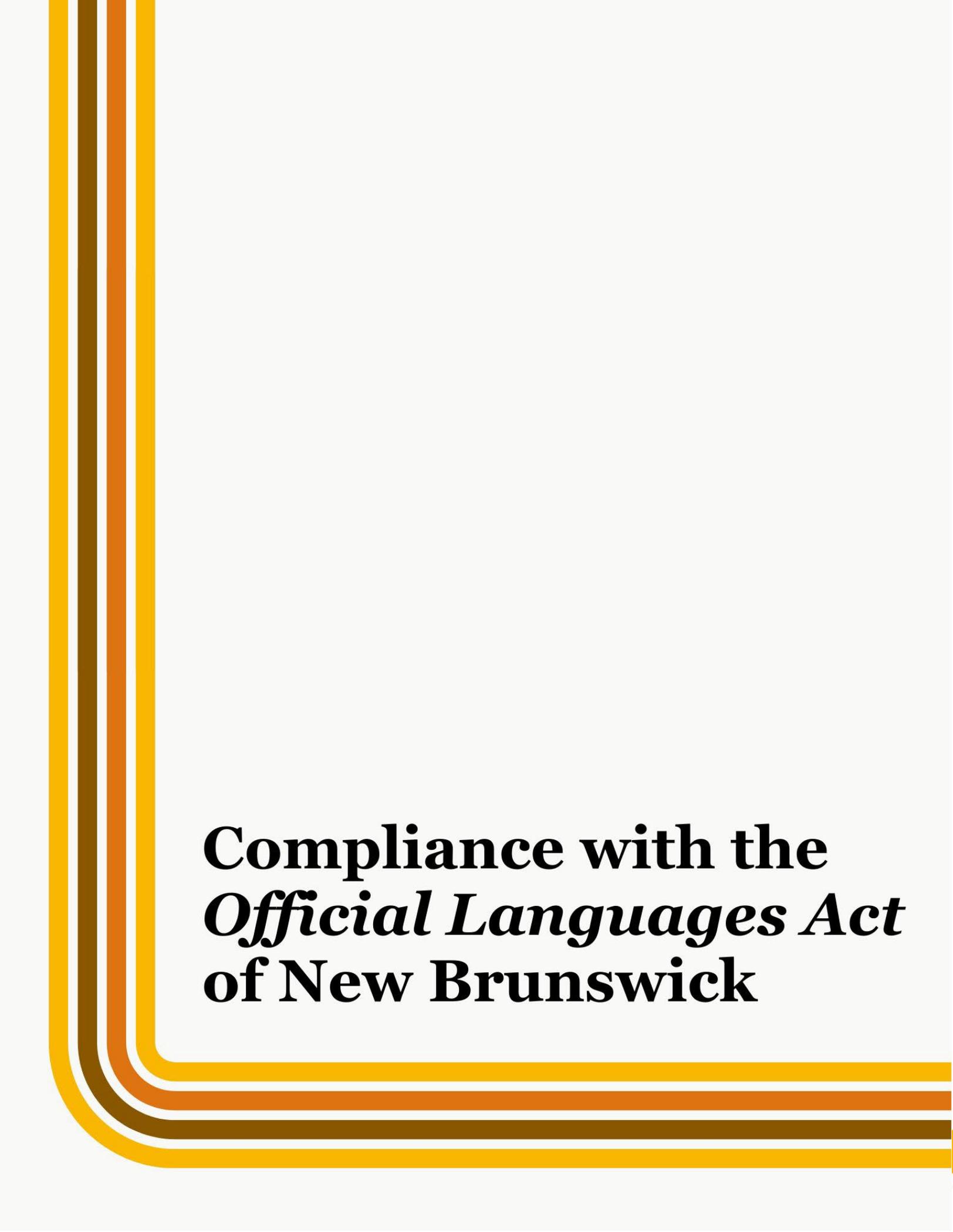
The table below shows the percentage of nominee certificates delivered through the NBNP and AIP, broken down according to the official language(s) spoken by candidates.

<b>Atlantic Immigration Pilot and Provincial Nominee Program (by calendar year)</b>		
<b>French-speaking candidates</b>	<b>Bilingual candidates (English and French)</b>	<b>English-speaking candidates</b>
2020: 22%	2020: 6%	2020: 72%
2021: 23%	2021: 5%	2021: 72%
2022: 25%	2022: 7%	2022: 68%
2023: 19%	2023: 2%	2023: 79%
<b>2024: 21%</b>	2024: 1%	2024: 78%

In 2024, the number of Francophone immigration nominations fell far short of meeting the government’s target of 33%. It is our hope that the government will examine and report publicly on what led to the 12% gap between target and reality.

It is noteworthy that in 2025, the federal government announced that it would increase its Francophone immigration targets outside Quebec to 8.5% in 2025, 9.5% in 2026 and 10% in 2027.

With new targets slated to be set, such an examination would permit us to see what changes need to be made to recruitment efforts and, above all, to ensure that the Francophone community is part of the discussion, ensuring its needs and capabilities are taken into account. Immigration is important for New Brunswick, and it must be a factor used to enhance the French language, which is currently at risk.



**Compliance with the  
*Official Languages Act*  
of New Brunswick**



# Role of the Commissioner

with regard to the compliance with the *Official Languages Act*

The Commissioner conducts investigations concerning the application of the *Official Languages Act* (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, by intervening 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**

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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 43.01(2) of the OLA, if the Commissioner is in a conflict of interest with respect to a matter referred to the Commissioner, the Commissioner may delegate in writing to any person any power with respect to that matter, including the power to prepare a report.

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, they may seek a remedy before the Court of King's Bench of New Brunswick. A judge may decide on the remedy that is deemed 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 King's Bench instead of filing a complaint with the Office of the Commissioner. However, such a process entails costs for the person initiating it.



# Complaints received

between April 1, 2024, and March 31, 2025

Between April 1, 2024, and March 31, 2025, the Office of the Commissioner received **125** complaints.

Of that number, **62** were admissible, with **19** based on lack of service in English and **43** on lack of service in French.

A total of **63** 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 Office of the Commissioner received **80** requests for information.

## Main steps in the complaint-handling process

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- 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 the alternative resolution process on the next page).
- The investigation is carried out.
- At the end of the investigation, the Commissioner forwards her report to the Premier, the Clerk of the Executive Council, the Secretariat of Official Languages, 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 an investigation report.



## The alternative resolution process

The Commissioner may attempt to resolve a complaint without conducting an investigation. Various situations may lend themselves to such an approach.

For example, this process can be used 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.

The decision to settle a complaint without an investigation is made on a case-by-case basis. It is heavily contingent on the cooperation of the targeted institution and the institution's willingness to take corrective action.

If an alternative resolution fails, the Commissioner will not hesitate to initiate an investigation to decide if a complaint is founded or not.



# Inadmissible complaints

Each year, the Office of the Commissioner of Official Languages receives a number of complaints that are not admissible for investigation because they do not involve a violation of or failure to comply with the OLA 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**

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These complaints are not admissible on the basis that the subject matter of the complaint does not involve a violation of or failure to comply with the OLA or does not come within the authority of the Commissioner for a reason other than those detailed below.

## **Human resources management in the public service**

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Complaints reported in this category are deemed inadmissible on the basis that the Commissioner's mandate does not include the management of human resources in the public service.

## **Private sector**

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The OLA does not apply to private sector enterprises, except in cases where they offer services to the public on behalf of a body that 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 displays signs in only one official language.

## **Education sector**

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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**

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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 their total population have language obligations. Thus, complaints targeting municipalities without obligations under the OLA are not deemed admissible.

## **Federal institutions**

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

## **Medical records**

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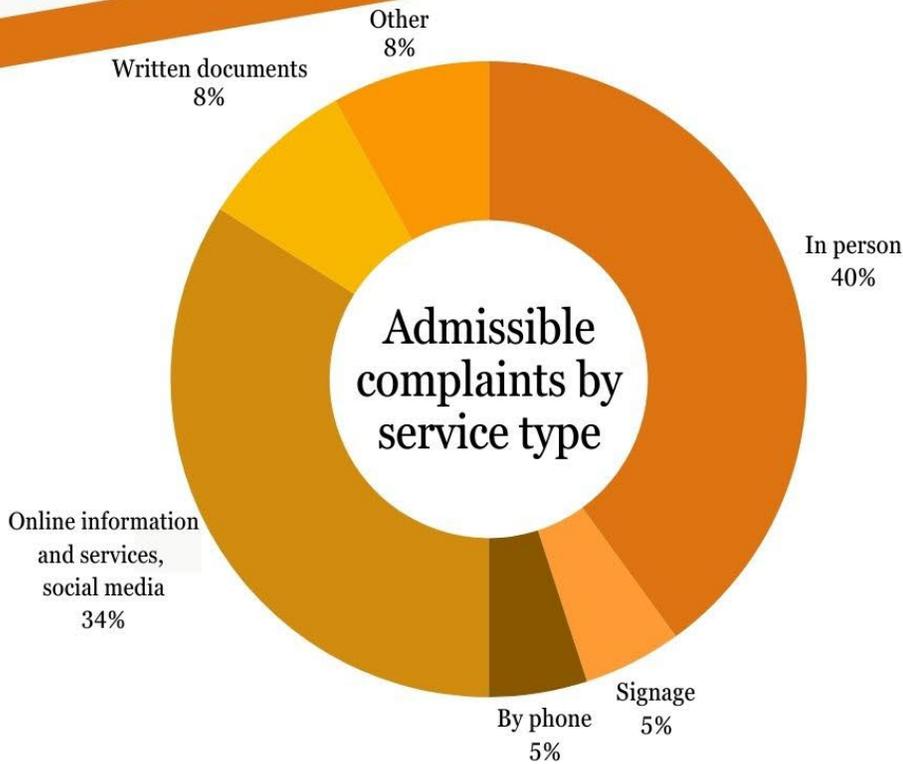
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Legislative provisions regarding the language used in medical records are included in section 9 of the *Personal Health Information Privacy and Access Act*. The Commissioner of Official Languages does not have jurisdiction with respect to section 9 of this *Act*. A person who feels that their rights have not been respected under this *Act* can file a complaint with the New Brunswick Ombud.



# Statistics 2024-2025

**205**  
communications  
in total



- **125** complaints
- **80** information requests

**62** admissible complaints  
**63** inadmissible complaints

## Services in English

19 admissible complaints (31%)

## Services in French

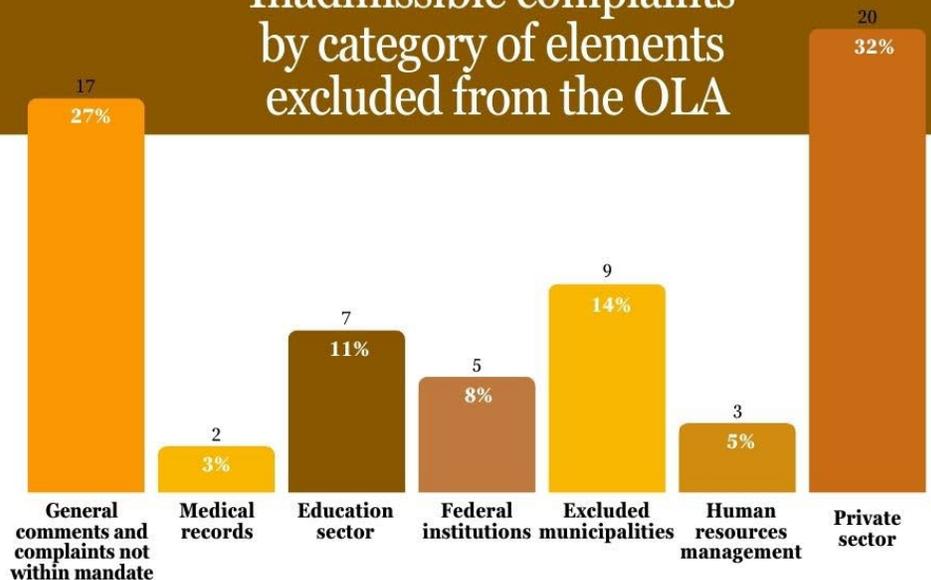
43 admissible complaints (69%)

## Complaints by region



1. Moncton and Southeast - 25 (40%)
2. Fundy and Saint John - 3 (5%)
3. Fredericton and River Valley - 27 (43%)
  - ↳ Regional services - 13 (21%)
  - ↳ Central services - 14 (22%)
4. Madawaska and Northwest - 3 (5%)
5. Restigouche - 1 (2%)
6. Bathurst and Acadian Peninsula - 2 (3%)
7. Miramichi - 1 (2%)

## Inadmissible complaints by category of elements excluded from the OLA





## Status of admissible complaints

from April 1, 2024, to March 31, 2025

Status	Service in English	Service in French	Total
Complaints under investigation, completed, or resolved informally	12	29	41
Investigations not initiated (pending additional information from the complainant or the institution)	6	13	19
Complaints withdrawn by the complainant	1	0	1
Cessation of investigation (under section 43(11) of the OLA)	0	1	1
<b>Total</b>	19	43	62



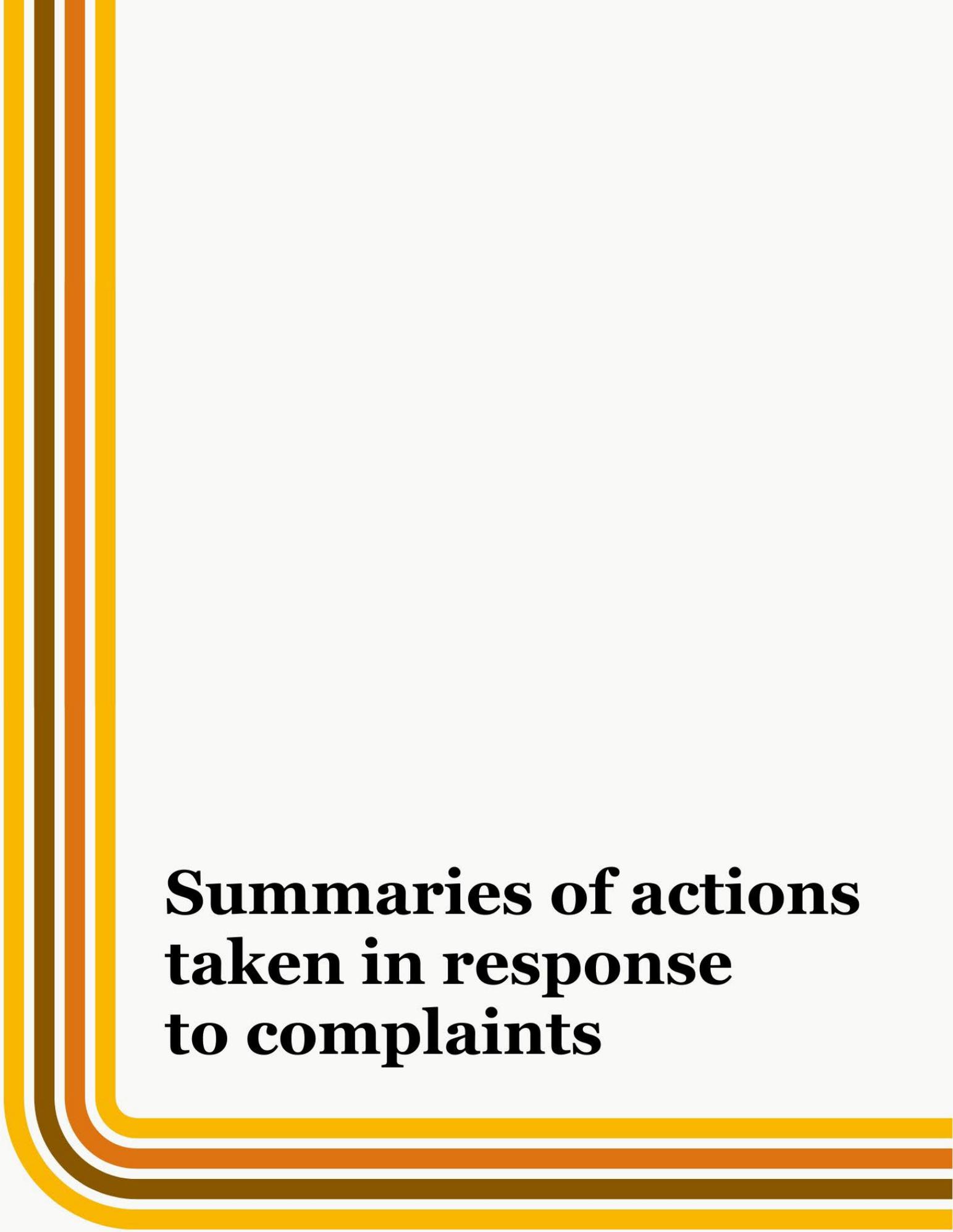
# Status of admissible complaints handled

from April 1, 2024, to March 31, 2025

Institution	Number of admissible complaints		Status of admissible complaints			Conclusion	
	Complaints received in 2024-2025	Complaints carried over from previous years	Investigations underway	Completed investigations	*Resolved informally	Founded complaints	Unfounded complaints
Association of Registered Interior Designers of NB	0	1	0	1	0	1	0
Beaurivage (Town of)	6	0	0	0	6	0	0
Cannabis NB	0	1	0	0	1	0	0
Elections NB	3	0	0	0	3	0	0
Executive Council Office **	4	1	3	0	2	0	0
Fredericton	0	1	0	1	0	1	0
Health	5	4	1	2	6	2	0
Horizon Health Network	3	1	0	1	3	1	0
Justice	0	2	0	0	2	0	0
Law Society of NB	1	1	1	0	1	0	0
Legislative Assembly	1	0	0	0	1	0	0
Natural Resources and Energy Development	0	1	0	1	0	1	0
NB Health Council	1	0	0	0	1	0	0
NB Liquor	3	1	0	0	4	0	0
NB Power	1	1	0	0	2	0	0
Nurses Association of NB	0	2	2	0	0	0	0
Premier's Office	0	2	2	0	0	0	0
Public Safety	1	2	1	1	1	1	0
Service NB	6	2	3	1	4	1	0
Tourism, Heritage and Culture	1	0	0	0	1	0	0
Transportation and Infrastructure	1	0	0	0	1	0	0
Vitalité Health Network	2	2	2	1	1	1	0
WorkSafe NB	2	0	1	0	1	0	0
<b>Total</b>	<b>41</b>	<b>25</b>	<b>16</b>	<b>9</b>	<b>41</b>	<b>9</b>	<b>0</b>
	66		66			9	

\* When the alternative resolution process is used, the Office of the Commissioner does not seek to determine whether the complaint is founded or not but directs all its efforts towards preventing an incident similar to the one that was brought to its attention. The Commissioner will determine if a complaint is founded only if an investigation is undertaken.

\*\* Two of these complaints were initiated by the Commissioner; one in 2024-2025 and the other carried over from previous years.



# **Summaries of actions taken in response to complaints**



# Investigations

Association of Interior Designers of New Brunswick

**Association concerned:** Association of Interior Designers of New Brunswick

**File number:** 23-24-162

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**Brief summary of the complaint:** On January 12, 2024, the Office of the Commissioner received a complaint against the Association of Interior Designers of New Brunswick, specifically its website, which did not provide all the information in French and redirected users to English pages when they clicked on links in the French section of the site. The complaint focused particularly on the section setting out the regulations governing the profession.

**Key issue:** Under New Brunswick’s *Official Languages Act*, associations that govern professions as defined in section 41.1(1) are required to provide their services and communications in both official languages. This obligation applies to all communications and services, regardless of whether the document originates from the association itself or belongs to a supplier or a third party of that association. The concept of “continuity of service” is very important. The public and members of the association must feel that both official languages have equal weight and not that one is superior to the other. To achieve this, communications and services must be offered in both official languages at all times and made available simultaneously. These obligations have been in place since 2016. The Office of the Commissioner received its first complaint regarding the website of the Association of Interior Designers of New Brunswick in 2022. Although many changes have been made to its website, the investigation revealed that not all the work had been completed.

**Resolution method adopted in this case:** Investigation

## **The *Official Languages Act* states:**

### **Professional associations**

**41.1(1)** In this section, “professional association” means an organization of persons that, by an Act of the Legislature, has the power to admit persons to or suspend or expel persons from the practice of a profession or occupation or impose requirements on persons with respect to the practice of a profession or occupation.

**41.1(2)** When a professional association exercises a power referred to in subsection (1), the professional association

(a) shall provide services and communications related to the exercise of that power in both official languages, and

(b) with respect to its power to impose requirements, shall ensure that a person is able to fulfil those requirements in the official language of his or her choice.

**41.1(3)** No person shall be placed at a disadvantage by reason of exercising his or her right to choose an official language in which to fulfil requirements imposed by a professional association.

**41.1(4)** A professional association shall offer its services and communications to members of the public in both official languages.

**Results:** Our investigation established that the complaint was founded. We therefore made the following recommendations, among others:

- That the association ensure that its complete website is published in both official languages to comply with its obligation to offer its services and communications to the public in both official languages in accordance with the *Official Languages Act* of New Brunswick.
- That the association check all documents it distributes and ensure that, regardless of their origin, these documents are available in both official languages at all times.
- That the association immediately translate and disseminate its bylaws and publish them on its website in French to respect its obligations to its members, in compliance with the New Brunswick OLA.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/3Jl4XmY>



# Investigations

Department of Justice and Public Safety

**Institution concerned:** Department of Justice and Public Safety

**File number:** 23-24-077

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**Brief summary of the complaint:** The complaint was received on July 26, 2023, and concerned the active offer of services in French, the provision of services, and communications in French during an arrest made by a peace officer from the Department. The complainant claims they were intercepted by a peace officer who asked, in English only, in which language they wished to receive his services. Despite the complainant requesting his services in French, the officer continued in English after replying that his French was not very good. On the violation notice given to the complainant, the officer checked the “English/Anglais” box in the “Language Chosen” section. Subsequently, the documents sent to the plaintiff were all in English.

**Key issue:** The *Official Languages Act* is clear, stating that the departments and institutions subject to the *Act* have a responsibility to ensure that members of the public can use the official language of their choice when interacting with the Government of New Brunswick. In this case, the active offer was not made correctly, and the complainant’s choice of official language was also not respected. The officer instead chose to accommodate himself. Therefore, the remainder of the communication with the complainant infringed upon their right to receive service in the official language of their choice. This demonstrates the importance of fully understanding the active offer and responding to the person’s choice.

The Department has a contingency plan in place in case the officer does not speak the individual’s language. However, the Office of the Commissioner had to remind the Department that the tools available to its employees and its contingency plan must ensure communication of equal quality in French and English. The pocket translator—an index that compiles a series of words and expressions in both official languages—does not, on its own, allow for communication of equal quality and should not be the only tool on which the Department relies to fully meet its linguistic obligations. Similarly, maintaining a service of equal quality requires that the contingency plan provide prompt and effective solutions.

**Resolution method adopted in this case:** Investigation

### **The *Official Languages Act* states:**

#### **Obligations of institutions**

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

### **Services provided by a peace officer**

**31(1)** Members of the public have the right, when communicating with a peace officer, to receive service in the official language of their choice and must be informed of that right.

**31(2)** If a peace officer is unable to provide service in the language chosen under subsection (1), the peace officer shall take whatever measures are necessary, within a reasonable time, to ensure compliance with the choice made under subsection (1).

**31(3)** A police force or agency, as the case may be, shall ensure the availability of the means necessary to respond to the choice made by a member of the public under subsection (1) and to support the obligation placed on a peace officer under subsection (2).

**31(4)** When determining if a peace officer has taken the measures necessary under subsection (2) within a reasonable time, a court shall consider the efforts made by the police force or agency to fulfil its obligations under subsection (3).

**Results:** Our investigation established that the complaint was founded. We therefore made the following recommendations, among others:

- That the institution continue to provide regular reminders to all its peace officers about the importance of making the active offer properly in both official languages upon first contact with a member of the public.
- That the institution immediately review and update the “pocket translator” for peace officers in accordance with the Government of New Brunswick’s *Official Languages – Language of Service Policy and Guidelines* to ensure it is providing its services in the official language of choice of any member of the public at all times.
- That the institution review its contingency plan to ensure that, when a peace officer wishes to seek assistance from another peace officer who is proficient in the other official language, this other peace officer can provide all services in person and not through an electronic device, so that the service is of equal quality in both official languages, within a reasonable time.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/3LunYnp>





# Investigations

Department of Natural Resources and Energy Development

**Institution concerned:** Department of Natural Resources and Energy Development

**File number:** 23-24-018

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**Brief summary of the complaint:** On May 24, 2023, the Office of the Commissioner of Official Languages received a complaint against the Department of Natural Resources and Energy Development. The complainant alleged that they had wanted to register for a firearms safety training course. More specifically, the complainant was seeking in-person French-language training. According to the complainant, after checking all the offices in the province where the course was offered in a classroom setting, the complainant found that only the English version of the course was available at that time on the Department's website.

**Key issue:** First, let us keep in mind that the course in question is mandatory training in order to be able to hunt in New Brunswick. Furthermore, a similar complaint was received and deemed founded by the Office of the Commissioner of Official Languages in January 2018. In the case of the complaint of May 24, 2023, there was a break in the continuity of services. The complainant was able to browse the French version of the Department's website and find the course they were looking for. But at the time of their search, no course offerings were available in French. Another important component of this investigation is the principle of equal access in both official languages. The Office of the Commissioner considers that equal access to training courses in both official languages must be free from obstacles such as the availability of training courses, distance to travel to access them, number of places available and delays in the delivery of courses in the language of choice of clients, and it is the institution's responsibility to take the necessary measures to ensure equal access.

We wish to mention that the Department has demonstrated that it is aware of its obligations under the OLA and that efforts have been made to meet them. According to its statistics, the waiting time for French and English courses is roughly the same. Nevertheless, the complainant felt that they were not entitled to the same level of service from the Department when they searched for ways to register for a French course. This demonstrates that institutions subject to New Brunswick's *Official Languages Act* must ensure transparency regarding these communications and information available to the public so as not to contribute to a perception of undervaluation of either of the province's two official languages.

**Resolution method adopted in this case:** Investigation



**The Official Languages Act states:**

**Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

**Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

**Posting of signs and publications intended for the public**

**29** Institutions shall publish all postings, publications and documents intended for the general public in both official languages.

**Results:** Our investigation established that the complaint was founded. We therefore made the following recommendations:

- That the institution, within a reasonable period of time, make all of its suggested changes to its website to enhance transparency during registration for its training courses in both official languages, therefore avoiding any perception by members of the public that
  1. certain training courses are not offered in their preferred language, and
  2. access to these training courses is not equal for members of both official linguistic communities.
- That the institution provide a timetable for implementing the steps it has suggested in its responses within 30 days following the issue of this investigation report and an update of all steps taken in the six months following the issue of this investigation report.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/4hNan6E>

**Institution concerned:** Service New Brunswick

**File number:** 23-24-008

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**Brief summary of the complaint:** On April 23, 2023, a complaint against Service New Brunswick was filed with the Office of the Commissioner of Official Languages. The complainant alleged that the institution had not complied with its obligations regarding communication in French. The complainant had requested to receive their birth certificate. Upon receipt of the birth certificate, they noticed that some of the information was in English. Furthermore, at the time of the request, the employee who served the complainant did not ask in which language they wished to receive the document. The complainant also informed the Office of the Commissioner of a lack of active service offers at the Moncton service centre and of a comment from an employee indicating that choosing to be served in French could increase wait times.

**Key issue:** In initial exchanges with the Office of the Commissioner regarding this complaint, Service New Brunswick said that it was a “human error,” meaning that the employee who served the complainant forgot to ask in which language they wished to receive the birth certificate. Upon verification, the Office of the Commissioner found that the online forms—which are also used by employees when individuals come to a service centre—have English as the pre-selected language of choice. This practice has two unfortunate consequences. First, it disadvantages the Francophone community by presuming that individuals will request their documents in English. Furthermore, by having the language of choice pre-selected, Service New Brunswick misses an opportunity to remind its employees to verify the person’s language of choice. If the box were not pre-selected, it is reasonable to expect that this would serve as a reminder for employees to ask individuals in which language they wish to receive their documents. There was therefore a break in the continuity of service, since the complainant addressed the employee in French, but the document received contained information in English.

It should also be noted that, according to Service New Brunswick statistics, wait times for service in French or English are virtually the same. Despite this, an employee was under the impression and informed the complainant that choosing French as the language of service could increase their wait time. We can therefore question the perception of the institution’s employees regarding the active offer and Service New Brunswick’s obligations with respect to official languages. This is a reminder that, in addition to fulfilling their obligations, institutions must ensure that they effectively communicate the spirit of the *Official Languages Act* and maintain a positive discourse on this issue in order to continue progressing toward the substantive equality of the province’s two official language communities.

**Resolution method adopted in this case:** Investigation

**The *Official Languages Act* states:**

**Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

**Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

**Results:** Our investigation established that the complaint was founded. We therefore made the following recommendations, among others:

- That the institution ensure that all members of the public are proactively offered the opportunity to obtain documents in the official language of their choice.
- That the institution continue to carry out random checks on official languages and broaden the scope of its control points to include whether members of the public always receive requested documents and other written communications in the official language of their choice.
- That the institution verify all forms in its computer system as well as forms available to the public and remove any preselection of official language in order to uphold the equality of services in both official languages under the OLA.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/3XiECZO>



**Municipality concerned:** City of Fredericton

**File number:** 23-24-187

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**Brief summary of the complaint:** A complaint against the City of Fredericton was filed with the Office of the Commissioner on February 16, 2024. The complainant alleged that there was a lack of active offer, service provision and communication in French during the first responders' intervention in an emergency call at a French-language school in Fredericton. According to the complainant, the police officers who arrived at the school addressed everyone present in English only and never asked the responsible parties what their preferred language was. Only one of the two paramedics dispatched to the scene reportedly communicated in French. Communication in English only continued after the incident, as members of the police force were present when parents arrived at the school to pick up their children and asked questions about the incident.

**Key issue:** In this particular case, the lack of an active offer also resulted in a lack of service provision and communication in French. Based on its responses, the City of Fredericton appears to believe that its police officers can relinquish their language responsibilities during emergency situations. However, an active offer to provide services in the public's choice of official language is not an accommodation offered to the public when it suits the municipality or its employees.

The Office of the Commissioner believes that an active offer of services is of paramount importance, especially in emergency situations, not only to allow citizens to choose their preferred language, but also to ensure that members of the public facing a crisis are able to communicate with the authorities deployed to the scene. In this situation, two of the three responsible adults did not speak English. The third person had to act as an interpreter between the first responders and other members of the school team. It is the responsibility of institutions, municipalities, and organizations subject to the *Official Languages Act* to make sure that the necessary staff are in place to ensure compliance with their linguistic obligations. This is not to say that all employees must be bilingual. There are other ways to ensure that citizens receive services in the official language of their choice. According to information provided to the Office of the Commissioner, 20.6% of the Fredericton Police Force's personnel "have bilingual skills," and this is considered sufficient by the municipality. However, when a call came in concerning an emergency at a French-language school in the city, none of the officers dispatched to the scene spoke French. It can therefore be assumed that the protocol established by the police force or the City of Fredericton was not followed.

The Office of the Commissioner is questioning the quality of service and the impact of such situations on the city’s Francophone community. *“In a minority setting, this situation is more than linguistic insecurity; it is Anglonormativity – the presumption that English is the dominant language. It is a ‘system of structures, institutions and beliefs that marks English as the norm”* (excerpt from the investigation report). As a result, people in minority communities whose daily lives are already bombarded by Anglophone culture could find it difficult to assert themselves in French to municipal services, for whom, in their view, the French language has no value or weight. The Office of the Commissioner therefore advises the municipality that if it encourages its employees to propose that the public choose between inferior service in their official language of choice and immediate service in the other official language, the institution is not recognizing the equality of the two official linguistic communities in New Brunswick” (p. 25 of the investigation report). The Act is a tool to promote progress toward the substantive equality between the province’s two official language communities. Every time an institution allows Anglonormativity, it moves further away from this objective.

**Resolution method adopted in this case:** Investigation

**The Official Languages Act states:**

**Services provided by a peace officer**

**31(1)** Members of the public have the right, when communicating with a peace officer, to receive service in the official language of their choice and must be informed of that right.

**31(2)** If a peace officer is unable to provide service in the language chosen under subsection (1), the peace officer shall take whatever measures are necessary, within a reasonable time, to ensure compliance with the choice made under subsection (1).

**31(3)** A police force or agency, as the case may be, shall ensure the availability of the means necessary to respond to the choice made by a member of the public under subsection (1) and to support the obligation placed on a peace officer under subsection (2).

**MUNICIPALITIES**

**By-laws, minutes of council**

**35(1)** A municipality whose official language minority population represents at least 20% of its total population is required to adopt and publish its by-laws in both official languages.

**35(2)** A city is required to adopt and publish its by laws in both official languages irrespective of the percentage required under subsection (1).

**Communications and services**

**36** A municipality or city to which subsection 35(1), (2) or section 37 applies shall offer the services and communications prescribed by regulation in both official languages.



### **Opting-in by municipalities**

**37** A municipality may, by by-law of its municipal council, declare itself bound by the provisions of this Act and nothing in this Act shall be interpreted so as to limit the authority of municipalities to promote the equality of status and use of English and French.

**Results:** Our investigation established that the complaint was partially founded. We therefore made the following recommendations, among others:

- That the municipality cease asserting that the active offer “may not have been the most pressing consideration at the time” in emergencies and that it institute specific measures to encourage its employees to adopt a service culture that integrates both official languages at all times.
- That the municipality continue its efforts to recruit bilingual officers to ensure that the Fredericton Police Force is able to offer services of equal quality to all members of both official linguistic communities at all times without undue delay.
- That the municipality regularly remind all officers of the Fredericton Police Force of its contingency plan so that, in situations where a member of the public chooses a language of service in which the officer is not proficient, the officer may refer to the specific steps in the contingency plan to ensure that all of the municipality’s services are offered in equal quality in both official languages within a reasonable time.
- That the municipality conduct random checks to regularly assess the ability of Fredericton Police Force teams to meet the municipality’s official language obligations and thereby avoid future complaints from members of the public.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/3WMSi3U>

**Institution concerned:** Department of Health

**File numbers:** 24-25-017, 24-25-042

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**Brief summary of the complaints:** In April and May 2024, the Office of the Commissioner received two complaints regarding the Department of Health’s MyHealthNB platform. The complainants had similar experiences: they consulted their respective files on the platform to view the results of medical examinations. In both cases, the examinations had been requested by physicians affiliated with Vitalité Health Network, whose working language is French. The complainants were able to review the results, but they were not available in English. When the complainants contacted MyHealthNB in one case and the Minister of Health’s office in the other, they were told that the test results posted on MyHealthNB are only available in the working language of the hospital where the tests were performed.

**Key issue:** Let us first establish that the active offer is not an issue in this situation. The MyHealthNB platform is available in both official languages, and a button to switch between languages is also available. Users can therefore choose their preferred language from the start of use. It is in the continuity of the service provision, in English in these cases, that the failure occurs. The Office of the Commissioner had several exchanges with the Department of Health during this investigation. Here is how the Department of Health explains the situation: *The health information in the MyHealth Records section for an individual, is displayed read-only as received from the original source system including the regional hospitals, community pharmacies, and public health. These are official health records that can not be modified or interpreted. As our disclaimer on our website states, this information is “displayed in the language of its originator, and may appear in English, French or both.”* The *Official Languages Act* allows no exceptions; an institution bound by the *Act* must fulfill its language obligations at all times, despite unforeseen circumstances. Furthermore, the Office of the Commissioner is both dismayed by and strongly objects to this use of liability waivers or warnings. Institutions, such as the Department of Health in this case, cannot opt out of their legal obligation under the *Official Languages Act* by using liability waivers.

We also note that the Department appears to be shifting its responsibility for fulfilling its language obligations to healthcare professionals when it states that the data is displayed in the same way it appears in the source system. The province’s two health networks have established their internal language of use or working language (English for Horizon Health Network and French for Vitalité Health Network).

When a person's health information is published on the MyHealthNB platform, it becomes a tool for communicating with the public and, as such, must be provided to the public in the official language of their choice. During the development of this platform, a decision was made by the Department of Health to make public information that was used as working tools. This decision was made by the Department of Health. The Department of Health, therefore, has an obligation to find a way to comply with the *Act* and to ensure that the province's residents can access this information in the official language of their choice.

**Resolution method adopted in these cases:** Investigation

**The *Official Languages Act* states:**

**Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

**Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

**Posting of signs and publications intended for the public**

**29** Institutions shall publish all postings, publications and documents intended for the general public in both official languages.

**Results:** Our investigation established that the complaint was founded. We therefore made the following recommendations:

- That the institution immediately cease the use of disclaimers and only provide medical records in the official language of choice of the patient.
- That the institution provide, within six months of the filing of this report, an update regarding its work on the MyHealthNB platform to ensure that all its services and communications are available to all members of the public in the language of their choice, thereby respecting the institution's linguistic obligations under the OLA.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/3OPtr6F>



**Institution concerned:** Horizon Health Network

**File number:** 24-25-049

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**Brief summary of the complaint:** The Office of the Commissioner received this complaint on July 2, 2024. The complainant explained that she went to the Miramichi Regional Hospital with her son so that he could undergo surgery. Upon arrival at the emergency department, they had to be seen at triage. The person who greeted them at reception did not ask about their preferred language and spoke to them only in English. The same occurred with the employee in triage.

**Key issue:** New Brunswick hospitals have obligations under the *Official Languages Act* and must actively offer services in both official languages. Once a person who comes to a hospital has indicated their preferred language, the service offered to them must be in that language. There were shortcomings at both levels in this particular case, and Horizon Health Network, after conducting an internal audit, acknowledges the errors. The Network explains that the employee who was at reception at the time of the incident was replacing the bilingual clerk who was on break. It appears that the triage employee was an agency nurse. Departments and other organizations that have obligations under the *Act* are responsible for implementing measures to fully comply with their obligations. In this case, the Network confirms that tools and a contingency plan are in place at the Miramichi Regional Hospital to ensure the delivery of services in both official languages. But that still requires employees to use them. The Network and its healthcare facility issued reminders and held training sessions. The Network also explains that, at the time of the event, 47 positions were vacant at the Miramichi Regional Hospital and that, of these, 29 were designated bilingual positions. In general, 27.5% of the emergency department staff at the facility targeted by this complaint are bilingual.

Therefore, according to the Office of the Commissioner, this situation demonstrates a fundamental need for the institution to continuously reiterate official language procedures to all of its employees, including agency nursing staff, regardless of specific circumstances such as breaks or staff shortages. It is also essential that language obligations be taken seriously enough so that breaches have consequences for those at fault; otherwise, the *Act* has no weight. Horizon Health Network understands and takes its obligations seriously. The Network informs us that: *When a Horizon staff member fails to comply with the establishment's official language policy, the department's nurse manager follows Horizon's progressive discipline policy, which involves discussing the incident with the staff member, ensuring that they understand the importance of the active offer, and placing a summary of the incident in the employee's human resources file.*

## Resolution method adopted in this case: Investigation

### **The *Official Languages Act* states:**

#### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

#### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

#### **Services provided by third parties**

**30** When the Province or an institution engages a third party to provide a service on its behalf, the Province or the institution, as the case may be, is responsible for ensuring that its obligations under sections 27 to 29 are met by the third party.

**Results:** Our investigation established that the complaint was founded. We therefore made the following recommendations, among others:

- That in the future, the institution ensure that its providers and travel nurses are aware of legislative official language obligations and that those obligations are clearly stated in all contracts with service providers, if they are not already.
- That the institution continue its efforts, as it has indicated, to recruit bilingual healthcare professionals and develop a rigorous plan for the recruitment of bilingual staff, together with a timeline, to identify new pools of healthcare workers, from both here and elsewhere, to immediately correct deficiencies in the provision of services of equal quality in both official languages at the Miramichi Regional Hospital and all its healthcare facilities.
- That the institution regularly remind all its employees and travel nurses of the contents of its contingency plan and the plan's location to ensure that service of equal quality is offered in both official languages for all services, at all times and without undue delay.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/4qSuJ2M>



**Institution concerned:** Vitalité Health Network

**File number:** 23-24-200

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**Brief summary of the complaint:** In their complaint filed on March 5, 2024, with the Office of the Commissioner, the complainant stated that they were served in English only at the emergency and medical imaging department of the Edmundston Regional Hospital. The technologist who performed the exam explained that she was from Alberta and that, if she had not agreed to come and work in Edmundston, all medical imaging tests would have had to be cancelled that week because of staff shortages.

**Key issue:** The requirements imposed by the *Official Languages Act* are clear: the institution must be able to communicate with the public and offer its services in both official languages. Furthermore, the institution must inform members of the public on first contact that its services are available in both official languages. In this case, there is no indication that an active offer was not made. It was in the continuity of service in the language of choice that there was a failure to meet the obligations of Vitalité Health Network. The latter explained that the hospital had to act quickly and call on an external resource to avoid a service interruption, but it acknowledges that it still has linguistic obligations to fulfill.

The *Act* makes no exceptions, which means that the institution is responsible for implementing measures to fully comply with its obligations. For example, bilingual services can be provided by a team; that is, if one person cannot provide the service in the recipient's language of choice, they can ask a co-worker for help. To achieve this, it is necessary to have a contingency plan in place, an alternative procedure by which unilingual employees can provide service in the other official language by requesting assistance from someone with the necessary language skills to provide the service. However, in another investigation (23-24-052), Vitalité Health Network stated that it did not have a contingency plan because [translation] "*resources are adequate for providing service in the public's language of choice.*" The current case demonstrates the opposite. The Office of the Commissioner also asked questions about the obligations of service providers in Vitalité Health Network. It is imperative that the linguistic obligations of institutions be known to suppliers and that they be contractually bound to comply with them. The Office of the Commissioner also reminds the institution that it should not rely solely on its supplier to remind these mobile employees of the Network's language obligations. It is the institution's responsibility to ensure the genuine equality of both official languages and, in this particular case, to ensure that its third party respects the linguistic obligations of the institution on whose behalf it provides services.

## Resolution method adopted in this case: Investigation

### **The *Official Languages Act* states:**

#### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

#### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

#### **Services provided by third parties**

**30** When the Province or an institution engages a third party to provide a service on its behalf, the Province or the institution, as the case may be, is responsible for ensuring that its obligations under sections 27 to 29 are met by the third party.

**Results:** Our investigation established that the complaint was founded. We therefore made the following recommendations, among others:

- That, in particular, the institution regularly remind all employees and visiting healthcare professionals of the importance of making an active offer of service in both official languages and maintaining the continuity of service in the language of choice of all members of the public.
- That, in the future, the institution ensure that its legislative official language obligations are clearly stated in all contracts with service providers, as is the case for other government institutions.
- That the institution immediately draw up a contingency plan detailing the process to be followed by its staff members who are unable to serve patients or other members of the public in their official language of choice.

The complete investigation report is available on the website of the Office of the Commissioner at <https://bit.ly/47JT1TA>





# Alternative resolution process

New Brunswick Liquor Corporation

**Institution concerned:** New Brunswick Liquor Corporation

**File number:** 24-25-034

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**Brief summary of the complaint:** The complaint received by the Office of the Commissioner on May 27, 2024, concerned deficiencies in the provision of services in French at a New Brunswick Liquor Corporation (ANBL) store in Moncton. The complainant indicated having asked an employee at one of the checkouts for a specific product. The employee replied, “My French is not good enough.” Another employee was nearby but did not intervene to provide service in the complainant’s language of choice.

**Key issue:** ANBL is a Crown corporation of New Brunswick. It is therefore subject to the *Official Languages Act* and must provide services of equal quality in both official languages at all times and without undue delay.

**Resolution method adopted in this case:** Alternative resolution process

## ***The Official Languages Act states:***

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

**Results:** The institution referred to in this complaint met with the employees in question to ensure they understood the importance of the active offer and to remind them of their responsibility to ensure that clients receive service in the language of their choice. In addition, all team members at the store in question had to review and sign the official languages policy. The New Brunswick Liquor Corporation is also developing several tools and practices to ensure effective distribution of its bilingual staff and to remind employees of their obligations under the *Act*. The Crown corporation informed the Office of the Commissioner of the imminent launch of a new official languages course, which will be compulsory for all sales team members on an annual basis. Active offer training is also part of its SERVICE Excellence program, and activities allowing employees to practise their second language are organized as well. Finally, at the time of this resolution process, the Corporation was completing an audit of the linguistic capabilities of its staff to improve the distribution of bilingual capabilities across its points of service.



# Alternative resolution process

Legislative Assembly of New Brunswick

**Institution concerned:** Legislative Assembly of New Brunswick

**File number:** 24-25-046

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**Brief summary of the complaint:** The Office of the Commissioner received a complaint against the Legislative Assembly of New Brunswick on June 20, 2024. In the early morning of that same day, the complainant went to the main entrance of the Legislative Assembly of New Brunswick to attend a committee meeting. According to the complainant, the person who greeted them did so in English. When the complainant replied in French, the employee did not react. The complainant then asked if they spoke French, to which they replied, "no." The complainant therefore decided to continue the conversation in English.

**Key issue:** As the Legislative Assembly of New Brunswick is subject to the *Official Languages Act*, it has an obligation to ensure that its employees, or the employees of any companies or organizations it employs to provide services to the public, make an active offer of service in both official languages. Once a member of the public has indicated their language of choice, services and communications must be provided in that language. In the circumstances described by the complainant, none of these obligations were met.

**Resolution method adopted in this case:** Alternative resolution process

## **The *Official Languages Act* states:**

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

**Results:** The institution quickly took steps to understand what had happened and implement corrective measures. In this case, the doors to the Legislative Assembly were opened a few minutes ahead of schedule, and the bilingual person who was to provide the service had not yet arrived. To avoid a recurrence of this type of incident, the following measures were taken:

- Working with managers to ensure that people able to offer service in both official languages are present before the doors are opened for the day.
- Reminding security personnel of the institution's obligations in terms of the active offer and provision of services.
- Meeting with the Canadian Corps of Commissionaires, New Brunswick and Prince Edward Island Division, to reiterate the language requirements for its members who work at the Legislative Assembly of New Brunswick and interact with the public.
- Meeting with certain front-line employees to remind them of the processes and contingency plan established to ensure the delivery of services of equal quality in both official languages, without undue delay.



# Alternative resolution process

New Brunswick Health Council

**Institution concerned:** New Brunswick Health Council

**File number:** 24-25-113

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**Brief summary of the complaint:** In a complaint filed with the Office of the Commissioner on October 30, 2024, the complainant indicated having received a telephone call for what appeared to be a survey conducted on behalf of the New Brunswick Health Council. The surveyor spoke to the complainant in French only, without making an active offer. The complainant then said they were Anglophone and ended the call.

**Key issue:** Every year, the New Brunswick Health Council conducts a survey on citizen satisfaction with primary health care in the province. To do this, it hires a survey firm. According to the established process for telephone calls, when surveyors call a household, they introduce themselves in the region's majority language (according to the latest census data), i.e. English in predominantly English regions and French in predominantly French regions. It is only after this introduction that the active offer is made. It is therefore impossible for the citizen receiving the call to know from the start of the conversation that they have a choice.

**Resolution method adopted in this case:** Alternative resolution process

## ***The Official Languages Act states:***

### **Services provided by third parties**

**30** When the Province or an institution engages a third party to provide a service on its behalf, the Province or the institution, as the case may be, is responsible for ensuring that its obligations under sections 27 to 29 are met by the third party.

**Results:** The New Brunswick Health Council is taking steps to ensure that the firm hired to conduct the survey is able to communicate with the province's citizens in the official language of their choice. The Office of the Commissioner suggested that the Council begin every call with "Hello/Bonjour" to indicate, on first contact, that the conversation may take place in French or English.



# Alternative resolution process

Elections New Brunswick

**Institution concerned:** Elections New Brunswick

**File numbers:** 24-25-104, 24-25-105, 24-25-108

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**Brief summary of the complaints:** The Office of the Commissioner received three separate complaints between October 12 and 21, 2024, all concerning the active offer and delivery of services in French at polling stations during the 2024 provincial general election. In all three cases, the active offer and provision of services in French were deficient or absent throughout the voting process, whether upon the complainants' arrival, during identity verification or at the voting station.

**Key issue:** New Brunswickers are entitled to exercise their right to vote in the official language of their choice. They must be greeted with the active offer, allowing them to inform Elections New Brunswick employees of their preference. Once this preference is established, it is the responsibility of the staff present, on behalf of Elections New Brunswick, to ensure continuity in the language of service. Similar complaints were filed with the Office of the Commissioner concerning the provincial election of 2020 and the local elections of May 10, 2021.

**Resolution method adopted in these cases:** Alternative resolution process

## ***The Official Languages Act states:***

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

**Results:** Following the 2020 and 2021 complaints, Elections New Brunswick took steps to better train poll workers and recruit more bilingual election officers, including high school students able to provide service in both official languages. When the first two complaints were filed on October 12, 2024, Elections New Brunswick instructed returning officers to take immediate corrective action for the upcoming voting days, since this was an advance polling day. Elections New Brunswick followed the same procedure for the complaint filed with the Office of the Commissioner on October 21, 2024, the day of the provincial general election. Following this election, the institution indicated that the active offer and delivery of services in the citizen’s language of choice would be addressed during debriefings with those working on site and that it was exploring the possibility of increasing the engagement of the Francophone community and recruitment of election workers from this community.

The Office of the Commissioner wishes to acknowledge the excellent cooperation and commitment of Elections New Brunswick in handling these matters.

It should be noted that, at the time of writing, the Commissioner has accepted an invitation from Elections New Brunswick to give presentations during debriefings with those working on site.



# Alternative resolution process

New Brunswick Power Corporation

**Institution concerned:** New Brunswick Power Corporation

**File number:** 23-24-215

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**Brief summary of the complaint:** The complainant sent a formal complaint to the Office of the Commissioner on March 29, 2024, regarding an English-only email from the New Brunswick Power Corporation (NB Power). The email in question was to inform the complainant of a rate increase. The complainant usually receives invoices by mail, and these documents are in French. They added that when NB Power employees come to the house, they speak in French. They said this was the first time they had received an English-only communication from the institution.

**Key issue:** The complainant received a mass email from NB Power. When no preferred language is indicated, the institution cannot select a “default” language, i.e. assume the citizen’s language of choice. If no preferred language is specified, the message must be sent in both official languages. The institution failed to meet its obligations with regard to communications in French in this case.

**Resolution method adopted in this case:** Alternative resolution process

### ***The Official Languages Act states:***

#### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

#### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**Results:** NB Power performed an audit of its email communication system and found no widespread problems. However, on checking the complainant’s file, the institution noted that English was indicated as the preferred language. The situation was rectified. NB Power indicated that, in cases where no language preference is selected, the email communication system sends a bilingual version of the message. Furthermore, the institution indicated that its systems have measures in place to avoid any default selection of either of the two official languages. Finally, the institution has undertaken to review the process for changing the preferred language to make it more accessible and transparent for its clients.

The Office of the Commissioner wishes to acknowledge the excellent cooperation of NB Power in handling this matter.



# Alternative resolution process

New Brunswick Power Corporation

**Institution concerned:** New Brunswick Power Corporation

**File number:** 24-25-040

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**Brief summary of the complaint:** According to the complaint filed with the Office of the Commissioner on May 31, 2024, a technician representing the New Brunswick Power Corporation (NB Power) went to the complainant's home to install a smart meter. The complainant asked him questions in French about the meter. The technician did not speak French and, according to the complainant, refused to answer any questions. The complainant added, [Translation] "*Changes were made to my house without my consent because I could not get the information in French.*"

**Key issue:** As NB Power is subject to the *Official Languages Act*, its clients are entitled to receive services from and communicate with the institution and its representatives in the official language of their choice. When an institution calls on a third-party organization to deliver services on its behalf, it must ensure that the organization in question complies with the same obligations in terms of language of service delivery and communication, which was not the case here.

**Resolution method adopted in this case:** Alternative resolution process

## **The *Official Languages Act* states:**

### **Services provided by third parties**

**30** When the Province or an institution engages a third party to provide a service on its behalf, the Province or the institution, as the case may be, is responsible for ensuring that its obligations under sections 27 to 29 are met by the third party.

**Results:** NB Power carried out an audit and acknowledged that the complaint was founded; the third party had not fulfilled its linguistic obligations. At the time of the incident, the third party had not completed the mandatory official languages training module for NB Power employees and subcontractors. This situation was rectified. NB Power also reminded the third party of its linguistic obligations under the *Official Languages Act*, especially with regard to the active offer of service, the continuity of service in the client's official language of choice and the importance of asking a colleague with skills in that language to provide service if they themselves are unable. Furthermore, NB Power conducted an audit of the subcontractor's bilingual workforce. Deficiencies were identified, and the institution is working with its supplier to correct them. NB Power has committed to checking the configuration of the portable devices used for assigning work to ensure that tasks are distributed according to the linguistic capabilities of the workers and the clients' language of choice.



# Alternative resolution process

Department of Health

**Institution concerned:** Department of Health

**File number:** 24-25-100

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**Brief summary of the complaint:** On October 2, 2024, one of the province's Francophone municipalities filed a complaint with the Office of the Commissioner. The municipality had sent a letter in French to the Minister of Health. The Minister's response letter received by the municipality was written in English only.

**Key issue:** Within the meaning of the *Official Languages Act*, a municipality is recognized as a member of the public, giving it the right to communicate with the government in the official language of its choice. An elected official, when communicating with the public in their capacity as a member of the Legislative Assembly, is not subject to the *Act*. However, a minister, as a representative of the Government of New Brunswick, is subject to the *Act* and required to communicate with the public or, in this case, a municipality, in the language of their choice. As the correspondence was sent to the Minister of Health in French, the reply should also have been in French.

**Resolution method adopted in this case:** Alternative resolution process

## **The *Official Languages Act* states:**

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

**Results:** The Department of Health has a correspondence process that includes translation if required. In this case, this step was omitted. To avoid a repetition of the situation, the Department has added a step that requires the person sending the correspondence to check the language in which the correspondence was received to ensure it matches the language of the message they are about to send. The Department also sent a letter of apology to the municipality, along with the French version of the Minister's reply. That the institution regularly remind all its employees and travel nurses of the contents of its contingency plan and the plan's location to ensure that service of equal quality is offered in both official languages for all services, at all times and without undue delay.



# Alternative resolution process

Horizon Health Network

**Institution concerned:** Horizon Health Network

**File number:** 24-25-062

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**Brief summary of the complaint:** On July 29, 2024, the complainant filed the following complaint with the Office of the Commissioner. The complainant went to the Emergency Department at the Dr. Everett Chalmers Regional Hospital in Fredericton. Two employees were at reception. The first employee spoke to the complainant without making an active offer. The complainant had to ask for service in French twice before the employee spoke to them in French. When the second employee provided the complainant with instructions, they also spoke in English.

**Key issue:** Extending the active offer is essential to inform citizens that service is available in the official language of their choice. In this situation, the first employee seems to have assumed the complainant's language of choice, since no active offer was made to identify it. There was also a lack of continuity of service in French when the second employee did not respect the choice of language that the complainant had already expressed on two occasions.

**Resolution method adopted in this case:** Alternative resolution process

## ***The Official Languages Act states:***

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

**Results:** Horizon Health Network recognized that there were deficiencies in the active offer and delivery of services in French in this case. To ensure that this type of situation does not reoccur, it was decided that training on the active offer would be provided to department employees during daily team meetings. A meeting was also held with employees to explain why the active offer is so important and to remind them that the active offer of service is their responsibility, i.e. the patient should not have to ask for service in French. The contingency plan was updated and will be regularly reviewed with staff. Finally, the Emergency Department support team took the initiative of keeping a log of incidents and challenges that arise when service is requested in French, to inform the management team of the realities of practice and encourage continuous improvement.





# Alternative resolution process

Horizon Health Network

**Institution concerned:** Horizon Health Network

**File number:** 24-25-006

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**Brief summary of the complaint:** In a complaint filed with the Office of the Commissioner on April 9, 2024, the complainant indicated not having received service of equal quality when trying to book an appointment at the Oromocto Public Hospital. During the call, the complainant was able to speak French to the two employees they spoke to. However, when asking to make an appointment, they were told that nobody on the team handling those requests could offer service in French. To book an appointment in French, they had to either call back at another time or leave their contact information for someone to call them back. Although the call was returned within the day, the complainant felt they had not received service of equal quality.

**Key issue:** The idea behind service of equal quality is for service to be offered according to similar standards and not to disadvantage one language group or discourage people from exercising their right to use the official language of their choice. In this case, trying to book an appointment in French seemed to result in longer delays. If the complainant had not requested service in French, the Oromocto Public Hospital would have responded to his request immediately.

**Resolution method adopted in this case:** Alternative resolution process

***The Official Languages Act states:***

**Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

**Results:** Horizon Health Network and Oromocto Public Hospital authorities recognized that the situation needed improvement. Following the complaint, a new procedure was put in place so that, in the event that a patient calls to book an appointment and nobody at the booking centre can serve them in their preferred language, a three-way conference call is immediately set up so that a bilingual employee can join the conversation and the appointment can be booked during the initial call. This new procedure will also be explained in the training plan for all new employees and noted in all contingency plans, which will be kept up to date. The institution confirmed that frequent reminders will be provided during employee meetings and will be sent to all staff within the facility to reiterate its official language obligations.



# Alternative resolution process

Horizon Health Network

**Institution concerned:** Horizon Health Network

**File number:** 23-24-148

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**Brief summary of the complaint:** The complaint was received by the Office of the Commissioner on December 4, 2023. The complainant explained that when leaving the operating room at a Moncton Hospital clinic, their assigned nurse was unilingual Anglophone. The complainant did not understand the English instructions the nurse was giving. Irritated, the nurse shouted “French” to a colleague, who then served as an impromptu translator. The complainant added, [translation] “*Following this incident, I had to wait 15 to 20 minutes next to this nurse (?) who was visibly irritated by my presence.*”

**Key issue:** Hospitals are subject to the *Official Languages Act* and must offer their services in the patient’s language of choice. This also means that service must be of equal quality for and equally respectful of the two linguistic communities. In addition, people who are ill or have just undergone surgery are vulnerable, and staff should not ostracize or be short with them when they are simply exercising their right to be served in the language of their choice.

**Resolution method adopted in this case:** Alternative resolution process

***The Official Languages Act states:***

**Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

**Results:** As the complainant requested anonymity, the clinic in question had to follow a generalized approach of reminding staff of their obligations and making it clear to staff that such behaviour towards a patient is unacceptable. Regular checks of the active offer are carried out and reminders of obligations issued. The contingency plan is reviewed regularly. In addition, resources are available for staff who wish to improve their second language skills. Finally, Horizon Health Network also reported having developed a survey for patients and visitors regarding their official language of choice to obtain quality data and feedback on services.



# Alternative resolution process

Vitalité Health Network

**Institution concerned:** Vitalité Health Network

**File number:** 23-24-140

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**Brief summary of the complaint:** The Office of the Commissioner received this complaint on November 22, 2023. The complainant explained that they had been hospitalized earlier that year at the Dr. Georges-L.-Dumont University Hospital Centre. While in the hospital, the complainant reported that on several occasions their assigned nursing staff were unable or unwilling to speak English. The complainant said they reported the situation to the unit's head nurse but that this did not prevent the situation from recurring.

**Key issue:** New Brunswick's regional health authorities and their institutions, facilities and programs are subject to the *Official Languages Act*. As a result, citizens visiting or staying in hospitals have the right to receive care in the official language of their choice. This begins with the active offer of service, and the language of choice must be respected throughout the continuum of care. Hospitalized patients are often in vulnerable situations. It is therefore the institution's responsibility to ensure service is offered in the preferred language at all times and without undue delay, without the patient having to request it.

**Resolution method adopted in this case:** Alternative resolution process

## ***The Official Languages Act states:***

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

**28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.



**Results:** Vitalité Health Network conducted an audit of the situation and acknowledged that there may have been deficiencies in the provision of service in English. As it was not possible to identify the employee, reminders were issued to all staff regarding the institution's linguistic obligations, particularly regarding the active offer, continuity of service and the responsibility to find a bilingual colleague if someone is unable to provide service in the citizen's language of choice.

Vitalité Health Network reports that it continues to conduct random audits throughout the year on the active offer of service and confirms that it has the necessary staff to meet its linguistic obligations under the *Act*.





# Alternative resolution process

Service New Brunswick

**Institution concerned:** Service New Brunswick

**File number:** 24-25-019

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**Brief summary of the complaint:** The complainant filed a complaint with the Office of the Commissioner on May 2, 2024. They explained that, on that day, they went to the Service New Brunswick service centre in Fredericton. When they arrived at reception, they were asked in which language they wished to receive service, and they requested French. The person at reception said that the bilingual employee was on break; therefore, there might be a longer wait. The complainant stated that several people who arrived after were served first.

**Key issue:** Section 27 of the *Official Languages Act* states that members of the public have the right to receive services from the provincial government in the official language of their choice. This also means that the public has the right to receive quality service. Wait times should not be longer when a citizen chooses the minority language. This practice goes against the spirit of the *Act*, as it suggests that one language, in this case the language of the majority, is superior to the other.

**Resolution method adopted in this case:** Alternative resolution process

## **The *Official Languages Act* states:**

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.



**Results:** Service New Brunswick has indicated that informing citizens that they will have to wait longer to receive service in French is not standard practice. The system used by Service New Brunswick to distribute service requests takes several factors into account, including the language of service, the service requested and the capabilities of customer service representatives, in terms of both knowledge of the various services offered and the language of service.

The system is designed to serve clients as efficiently as possible and does not operate on a first-come, first-served basis. The goal is to serve all clients as quickly as possible. This may explain why people who arrived after the complainant were served first. According to Service New Brunswick data, the targeted average wait time is under 20 minutes. On the day of the incident, two bilingual people were working, and requests for service in French had an average wait time of 27 minutes. Service New Brunswick acknowledged that, at that time, four bilingual positions were vacant at the Fredericton Service Centre. At the time of its response to this complaint, three of those four positions had been filled.





# Alternative resolution process

Town of Beaurivage

**Municipality in question:** Town of Beaurivage

**File numbers:** 24-25-155, 24-25-156, 24-25-158, 24-25-159, 24-25-160, 24-25-163

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**Brief summary of the complaints:** The Office of the Commissioner received six separate complaints between January 24 and 28, 2025, alleging that the Town of Beaurivage had published its new language policy on its French website without doing so at the same time on its English website. The new language policy was published online ahead of a special meeting of the Beaurivage municipal council.

**Key issue:** New Brunswick's eight cities, as well as municipalities with an official language minority of at least 20% of their total population, have obligations under the *Official Languages Act*, including the adoption and publication of municipal by-laws and the provision of services and communications prescribed by regulation. According to the 2021 census, 24.4% of the Town of Beaurivage's total population is Anglophone. It is therefore subject to the *Act*. In addition, Regulation 2002-63 stipulates that municipalities subject to the *Act* must ensure that their existing or new websites are published in both official languages. Posting a policy only on the French version of the website constitutes a failure to meet linguistic obligations.

**Resolution method adopted in these cases:** Alternative resolution process

## **The *Official Languages Act* states:**

### **MUNICIPALITIES**

**35(1)** A municipality whose official language minority population represents at least 20% of its total population is required to adopt and publish its by-laws in both official languages.

**36** A municipality or city to which subsection 35(1), (2), or section 37 applies shall offer the services and communications prescribed by regulation in both official languages.

**Results:** Before having the opportunity to contact the Town of Beaurivage, one of the complainants informed the Office of the Commissioner of their desire to withdraw their complaint on the grounds that the Town had already removed the proposed language policy from its French website. Despite this, the Office of the Commissioner duly wrote to the Town of Beaurivage to inform it of the complaints received and remind it of its linguistic obligations under Regulation 2002-63 of the *Act*. The Office of the Commissioner was pleased that the situation was rectified and hopes that this type of incident does not reoccur.



# Alternative resolution process

Department of Tourism, Heritage and Culture

**Institution concerned:** Department of Tourism, Heritage and Culture

**File number:** 24-25-035

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**Brief summary of the complaint:** On May 27, 2024, the complainant reached out to the Office of the Commissioner following several calls made to Fundy Trail Provincial Park between May 25 and 27, 2024. On May 25 and 26, the complainant called the park several times and left messages on the answering machine. On May 27, they called again. The person who answered the phone said there was nobody there who could speak French and that they would call the complainant back. In a conversation following the filing of the complaint, the complainant said they called again on May 28 and were met with the same scenario. The complainant also reported finding several language errors on the Francophone webpage for Fundy Trail Provincial Park.

**Key issue:** The complaint is founded, since it indicates deficiencies in the delivery of services and communication in French. Sections 27 and 28 of the *Official Languages Act* are clear on this point. It should also be noted that the implementation of the *Act* goes hand in hand with the principle of service of equal quality, i.e. the quality of the service offered, including service wait times. In this case, requesting service in French resulted in extended delays for the complainant.

**Resolution method adopted in this case:** Alternative resolution process

## **The *Official Languages Act* states:**

### **Communications with government and its institutions**

**27** Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

### **Obligations of institutions**

**28** An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.



**Results:** The Department of Tourism, Heritage and Culture has indicated that management of the Fundy Trail Provincial Park has been under its purview since December 12, 2023. At the time of the complaint, the Department was in the process of training employees on the linguistic obligations now imposed on the Park. When informed of the complaint, immediate steps were taken to assess the staff's linguistic capacity and to put in place a contingency plan. In addition, language errors on the Park's French webpage have been corrected. The Office of the Commissioner also noted unilingual English publications on the Park's social media accounts. These accounts have been managed by the Department since January 1, 2024, and since then posts have been made in both official languages.



## Inadmissible complaints

**File number:** 24-25-001

**Brief summary of the complaint:** On April 2, 2024, the Office of the Commissioner received a complaint about the lack of service in French at a doctor's office. According to the complainant, the doctor in question is bilingual, but the office receptionist told him it was an Anglophone practice.

**Reason the complaint was inadmissible:** After verifying, the Office of the Commissioner discovered that the incident occurred in a private practice, meaning the services offered by the doctor were provided in a practice that does not fall under the jurisdiction of either of the province's two health authorities. Although health services provided by doctors are generally reimbursed by the provincial government, doctors are not government employees, nor are they considered institutions of the New Brunswick government. As a result, their private practices are not subject to *the Official Languages Act*.

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**File number:** 23-24-188

**Brief summary of the complaint:** The complaint received by the Office of the Commissioner on February 20, 2024, concerns Vitalité Health Network. The complainant seems to say that a meal ticket accompanying the patient's meal was unilingual French.

**Reason the complaint was inadmissible:** The meal ticket in question is an internal communication tool, i.e., it is a work tool that allows meal preparation staff to ensure each patient receives the right food according to their choices and prescribed therapeutic diet. The ticket is not intended for the public, nor is it a means of communication with the public. The language of work is not subject to the *Official Languages Act*, and Vitalité Health Network has chosen French as its internal language, which means that work documents not intended for the public can be unilingual French.



## Inadmissible complaints

**File number:** 24-25-018

**Brief summary of the complaint:** The complainant contacted the Office of the Commissioner on April 29, 2024, to report that Government of New Brunswick community of practice meetings were being held in English only. These meetings provide an opportunity for government employees, school districts, and health authorities to discuss best practices in various areas of intervention.

**Reason the complaint was inadmissible:** The situation reported involves the provincial government's internal communications with its employees or between employees. This is defined as the language of work. New Brunswick's *Official Languages Act* governs the language of service and communications with the public, but it does not apply to the language of work.

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**File number:** 24-25-012

**Brief summary of the complaint:** On April 19, 2024, a complaint was received by the Office of the Commissioner indicating that the Centres of Excellence website is in English only. The complainant wondered why a website of the Department of Education and Early Childhood Development was not available in French as well.

**Reason the complaint was inadmissible:** The website in question is indeed only available in English and is identified as being managed by the Department of Education and Early Childhood Development. When contacted, the department explained that the Centres of Excellence were set up by the department's Anglophone sector for Anglophone school districts and their schools, and that the Francophone sector had not adopted this model. Under Section 4 of the *Official Languages Act*, educational institutions such as the provincial school system, including the French and English Sectors of the Department of Education and Early Childhood Development, are considered distinct institutions not covered by the *Act*.



## Inadmissible complaints

**File number:** 24-25-050

**Brief summary of the complaint:** On July 6, 2024, the complainant contacted the Office of the Commissioner to file a complaint against the Communauté rurale de Beausoleil. According to the complainant, the Communauté Rurale de Beausoleil provides information in French only on its website, and they wondered if this contravened the *Official Languages Act*.

**Reason the complaint was inadmissible:** The *Official Languages Act* establishes linguistic obligations for New Brunswick's eight cities, as well as for municipalities with an official language minority of at least 20% of their total population. It is important to highlight that the OLA defines a municipality as being within the meaning of subsection 1(1) of the *Local Governance Act*. Rural communities, such as Beausoleil, are not included in this definition and are therefore not subject to the *Official Languages Act*.

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**File number:** 24-25-081

**Brief summary of the complaint:** On August 28, 2024, the Office of the Commissioner received a complaint from a citizen who claimed to have received an English-only newsletter from their representative at the Legislative Assembly. The complainant is of the opinion that this communication should have been in both official languages.

**Reason the complaint was inadmissible:** While the Legislative Assembly, as an institution, is subject to the *Official Languages Act*, political parties and MLAs are not. This means that a member of the Legislative Assembly, when addressing fellow citizens in their role as an MLA, can choose to do so in only one language. It should be noted, however, that when an MLA who is also a minister communicates with fellow citizens in their ministerial capacity, they are subject to the *Act*.



## Inadmissible complaints

**File number:** 24-25-082

**Brief summary of the complaint:** On August 28, 2024, the complainant contacted the Office of the Commissioner with a complaint regarding Horizon Health Network's recruitment practices.

**Reason the complaint was inadmissible:** Departments, organizations and professional associations subject to the *Official Languages Act* are free to determine the means by which they will fulfill their obligations under the *Act*. In this case, it is the responsibility of Horizon Health Network to ensure that it has the necessary staff to provide services to the public in both official languages. The Office of the Commissioner can intervene when an offence is committed under the *Act*. Such is not the case here.

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**File number:** 24-25-089

**Brief summary of the complaint:** The complainant filed a complaint with the Office of the Commissioner on September 6, 2024. That same day, the complainant claims to have received an alert on their cell phone concerning the search for a dangerous fugitive in the northeast of the province. According to the complainant, although the written message was in both official languages, the French version was a “word-for-word” translation of the English version, and the quality of the French message left much to be desired, making it difficult to read.

**Reason the complaint was inadmissible:** The organization who issued the alert in question was the Royal Canadian Mounted Police (RCMP). The RCMP confirmed to the Office of the Commissioner that it used an alert system by Pelmorex; an independent company under contract with the Government of Canada at the national procurement level. As federal institutions and their third-party providers are subject to Canada's *Official Languages Act*, it is not within the mandate of the Commissioner of Official Languages for New Brunswick to investigate these institutions.



## Inadmissible complaints

**File number:** 24-25-114

**Brief summary of the complaint:** On November 2, 2024, the Office of the Commissioner received a complaint concerning the Department of Health. The complainant claims to have seen an image regarding COVID-19, in French only, on Tubi, a streaming application. This image was published on behalf of the Department of Health. The complainant also stated they had seen this image on several occasions in the past, but only in French.

**Reason the complaint was inadmissible:** The Department of Health did indeed place the advertisement mentioned by the complainant. After checking with the supplier, the department's programming requirements were met and in accordance with the department's official language obligations. This type of advertising relies on data and algorithms, such as user habits, electronic device settings and more. It is not an exact science, and users may see advertisements in a language other than the language of the site or application they are using. The complaint is inadmissible, since the Department of Health has done everything necessary to meet its obligations under the *Official Languages Act*. The supplier, in this case, is not a third party offering a service on behalf of the department, but rather a private sector company with no linguistic obligations under the *Act*.

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**File number:** 24-25-133

**Brief summary of the complaint:** On December 12, 2024, the complainant contacted the Office of the Commissioner to file the following complaint. During a visit to Eye Care Centre NB in Dieppe, it was impossible for the complainant to receive service in French at the reception desk. The employee at the desk said they spoke English and German.

**Reason the complaint was inadmissible:** After checking with Vitalité Health Network, the Office of the Commissioner was informed that Eye Care Centre NB in Dieppe and Acadie-Bathurst Ophthalmology Centre are not third parties of the Network, even though they provide health services in the province. As a result, these centres are not public health institutions, but rather private sector companies that are not subject to the *Official Languages Act*.



## Inadmissible complaints

**File number:** 24-25-126

**Brief summary of the complaint:** On November 25, 2024, the complainant filed a complaint with the Office of the Commissioner against the Communauté rurale de Beausoleil. According to the complainant, they wanted to attend the community mayoral candidates' debate but were informed that it would be held in French only.

**Reason the complaint was inadmissible:** The *Official Languages Act* applies to municipalities, as defined in the *Local Governance Act*, which defines a “municipality” as a city, town, or village. This means that rural communities are not subject to the *Official Languages Act*. In this context, the complaint is inadmissible, and the Office of the Commissioner is unable to intervene.

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**File number:** 24-25-169

**Brief summary of the complaint:** On February 4, 2025, the complainant contacted the Office of the Commissioner to file a complaint against Vitalité Health Network's Dr. Georges-L.-Dumont University Hospital Centre. The complainant wanted to receive medical test results in English. The Dr. Georges-L.-Dumont UHC documentation centre reportedly replied that results were only translated into English at a doctor's request.

**Reason the complaint was inadmissible:** Although Vitalité Health Network and its hospitals are subject to the *Official Languages Act*, the request made by the complainant is not covered by the *Official Languages Act* in its section on communication with the public. Personal health information is, instead, subject to the *Personal Health Information Privacy and Access Act*. The complainant was therefore encouraged to contact Ombud New Brunswick, as this office has legislative authority over that Act.



## Inadmissible complaints

**File number:** 24-25-177

**Brief summary of the complaint:** The Office of the Commissioner received a complaint against the Riverview Fire and Rescue Department on February 18, 2025. The complainant claimed to have noticed, in posts on the fire department's Facebook account, photos showing signage in only one official language.

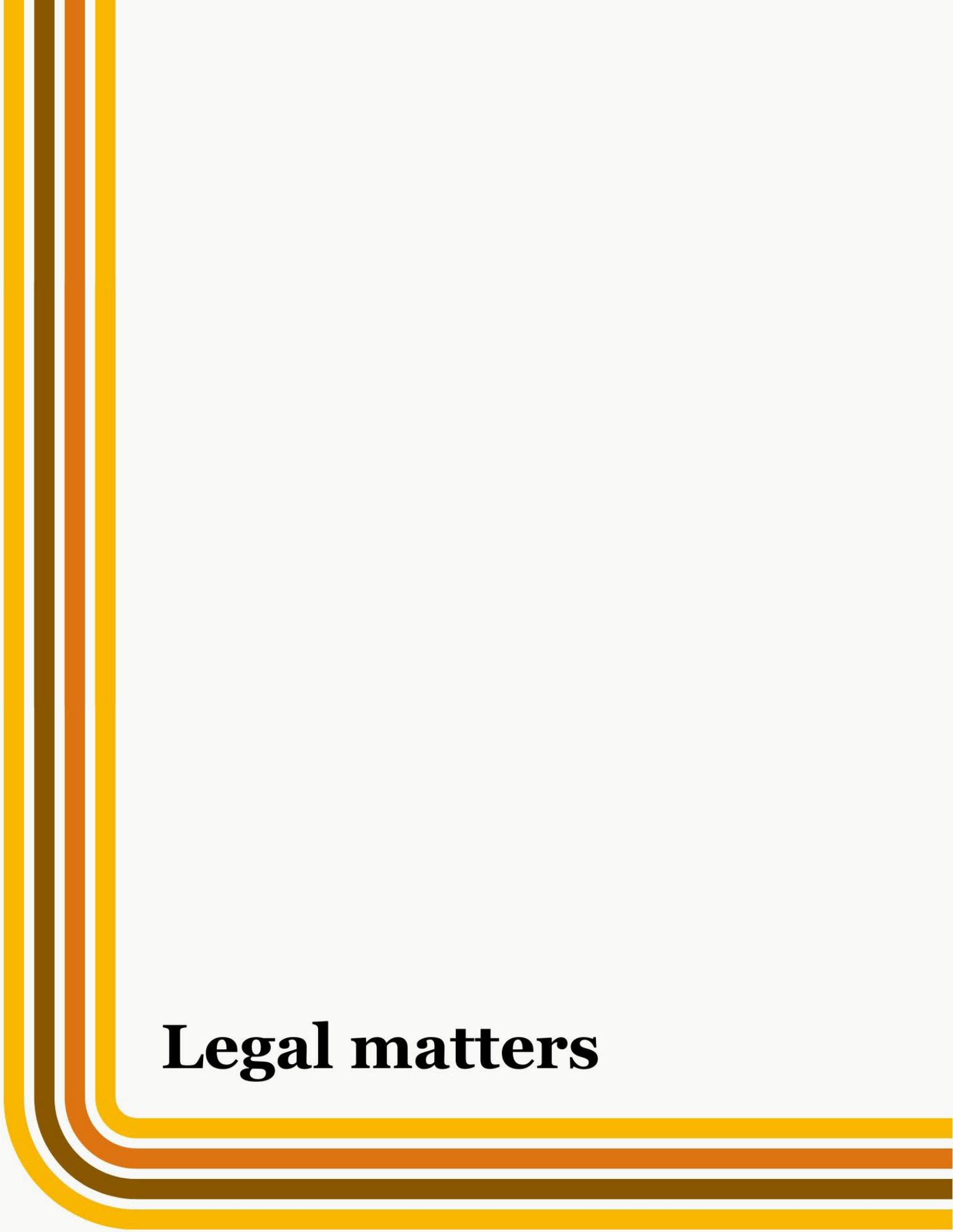
**Reason the complaint was inadmissible:** After reviewing Riverview Fire and Rescue's Facebook account for the dates indicated by the complainant, the Office of the Commissioner was unable to locate the photos in question. The Office of the Commissioner therefore extended its search to other pages displaying the photos in question. This exercise revealed that, although some photos showed signage in only one language, the totality of posted photos clearly demonstrated that during events there was also signage in the other official language.

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**File numbers:** 24-25-023, 24-25-096, 24-25-204

**Brief summary of the complaints:** The Office of the Commissioner received three complaints against the town of Belle-Baie concerning the lack of English communication with the public. The complaints were filed on May 6 and September 20, 2024, as well as on March 27, 2025, by three separate complainants.

**Reason the complaints were inadmissible:** Some municipalities have obligations to communicate with the public under the *Official Languages Act*. This is the case for cities and municipalities, whose official language minority population is at least 20% of the total population. According to Statistics Canada's 2021 census data, Belle-Baie's Anglophone population makes up 12.8% of its total population. Belle-Baie is therefore not subject to the *Act*, which means that these complaints are inadmissible.



**Legal matters**



## Legal matters

### **The appointment of a unilingual anglophone as lieutenant governor of New Brunswick: an update**

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#### ***Société de l'Acadie du Nouveau-Brunswick v. The Right Honourable Prime Minister of Canada, et al.***

In our 2023-2024 annual report, the Office of the Commissioner of Official Languages reported on the legal decisions pertaining to the court application of the Société de l'Acadie du Nouveau-Brunswick (SANB) which challenged the appointment of Ms. Brenda Murphy as the Lieutenant Governor of New Brunswick on the grounds that the appointment of a unilingual anglophone to the position violated constitutional guarantees regarding official languages that apply in New Brunswick.

On April 14, 2022, the then Court of Queen's Bench allowed the SANB'S application. Canada appealed the finding to the New Brunswick Court of Appeal and on May 23, 2024, the Court of Appeal overturned the lower court decision.

The SANB sought, and was granted, leave to appeal to the Supreme Court of Canada and the case was heard by the Supreme Court of Canada on November 13, 2025. A decision is pending.

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### **Court dismisses COVID-19 language challenge**

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#### ***Nelson Cyr v. His Majesty the King in right of the province of New Brunswick, as represented by the Attorney General of New Brunswick, the Minister of Health and the Office of the Premier of New Brunswick***

During the COVID-19 pandemic in 2020, New Brunswick, like all other provinces in Canada, put health restrictions in place in order to stop or slow the transmission of the pandemic. In New Brunswick, the public was kept informed of these restrictions or requirements via a weekly news conference, which was live-streamed by the Government of New Brunswick. The then Premier of New Brunswick, Mr. Higgs, would normally speak at the news conference along with the Chief Medical Officer at the time, Dr. Jennifer Russell. On some occasions, the then Minister of Health, Dorothy Shephard would also speak on behalf of the Government of New Brunswick.



During the pandemic, the Office of the Commissioner of Official Languages (OCOL) had received numerous complaints of a lack of service in French during the press conferences. Nelson Cyr had filed a complaint at the OCOL, and he was ultimately the applicant in the proceeding before the Court of King's Bench. Mr. Cyr's position was that the spokespersons for the Government of New Brunswick at the press conferences, Premier Higgs and Minister Shephard, were unilingual anglophones and that francophones received the information in the press conferences mainly via simultaneous interpretation, which Mr. Cyr noted to the Court was an accommodation, illustrating a lack of respect for the French language as an official language of New Brunswick.

Justice Dysart of the Court of King's Bench reviewed the findings of the Commissioner of Official Languages respecting Mr. Cyr's complaint to her office, as well as recommendations contained in a September 2020 investigation report of the Commissioner relating to the COVID-19 press conferences. In response to the Commissioner's September 2020 investigation report, the Office of the Premier noted the measures they had taken to ensure a balanced use of the official languages during the COVID-19 press conferences: 1) a bilingual moderator, 2) simultaneous interpretation and 3) separate French and English feeds to ensure that New Brunswickers could listen in the official language of their choice.

The Commissioner concluded that the steps taken were more of an accommodation and made two recommendations in her report:

**THAT** the Government of New Brunswick have a Francophone or bilingual spokesperson at news conferences.

**THAT** all practices regarding the use of the two official languages during updates or news conferences given by the Government of New Brunswick be reviewed to ensure a balanced use of the official languages in view of the equal status of the two official languages and the two official linguistic communities.

Justice Dysart also reviewed the Commissioner's investigation report of June 2021, where the Commissioner again included the recommendation that the government have a francophone or bilingual spokesperson at press conferences.

Nelson Cyr was not satisfied with the outcome of his complaint at the OCOL, as the recommendations of the Commissioner had not been adopted. He decided to file an application to the Court.



Justice Dysart concluded that the basis of the recommendations formulated by the Commissioner was that simultaneous interpretation does not satisfy the requirements of the *Charter*, but he found that no legislative provision was provided that the Commissioner relied on to come to that conclusion. He also stated that the applicant in the matter, Nelson Cyr, did not set out any legislative disposition in support of his position.

The decision concluded that the *Official Languages Act* imposes institutional and not personal bilingualism:

*“Ultimately, I am not persuaded by the jurisprudence provided by the Applicant. Nor, as conceded by the Applicant, am I bound by the Commissioner’s finding that simultaneous interpretation fails to meet the requirements of institutional bilingualism.”*

Also, in paragraphs 71 and 72, Justice Dysart explains his reasoning:

*“[71] To be clear, the recommendations from the Commissioner and the Applicant’s proposal would create a de facto obligation on the Premier to be bilingual, lest he or she be restricted in their role and responsibilities and usurped by a bilingual spokesperson.”*

*“[72] Surely that was not the intention of the legislator in the enactment of institutional bilingualism in New Brunswick.”*

Therefore, the Court concluded that the Legislature intended New Brunswick’s *Official Languages Act* to ensure that institutions with obligations within the meaning of that *Act* respect the obligations contained in the legislation, but these obligations may not be extended to apply to individuals, as the Court has found that this goes beyond what the legislators intended. There is no requirement for personal bilingualism, impliedly or otherwise, and, *“The interpretation of language statutes must not create new rights.”*

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## **Closure of courts did not violate language rights**

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The following decision was rendered by the New Brunswick Court of Appeal on September 4, 2025. Although this is after March 31, 2025, the Office of the Commissioner has decided it is timelier to include it in this annual report



***Minister of Justice and Public Safety and Forum des Maires de la Péninsule Acadienne Inc. et la Société de l'Acadie du Nouveau-Brunswick***

The case relates to the decision of the government of New Brunswick to reorganize court services in the judicial district of Bathurst. The Caraquet courthouse was closed and the Tracadie courthouse was designated a satellite court, effective January 1, 2022.

The Forum des maires de la Péninsule Acadienne (le Forum) filed an application for judicial review with the Court of King's Bench seeking to have that decision set aside on the grounds that it infringed language rights guaranteed under ss. 16 and 16.1 of the *Canadian Charter of Rights and Freedoms* of the *Constitution Act, 1982*, stating that the Minister failed to consider the effect of the decision on the government's obligation to promote the cultural, economic, educational and social development of the French-speaking minority.

In March 2024, the Court of King's Bench granted the application, set aside the government's decision and sent the matter back to the government for reconsideration. The Court had concluded that the Minister's decision was unreasonable.

The decision was appealed by the Province of New Brunswick.

The Court of Appeal noted that the issue raised in the case did not concern an infringement of the right to receive services in French from the judiciary or the Department of Justice but rather whether the Minister's decision infringed rights guaranteed by section 16.1 of the *Charter*.

Section 16.1(1) of the *Charter* states

<b>English and French linguistic communities in New Brunswick</b>	<b>Communautés linguistiques française et anglaise du Nouveau-Brunswick</b>
16.1(1) The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to such distinct educational and cultural institutions as are necessary for the preservation and promotion of those communities.	16.1(1) La communauté linguistique française et la communauté linguistique anglaise du Nouveau-Brunswick ont un statut et des droits et privilèges égaux, notamment le droit à des institutions d'enseignement distinctes et aux institutions culturelles distinctes nécessaires à leur protection et à leur promotion.



The Court explained that the Province of New Brunswick has eight judicial districts, one of which is the judicial district of Bathurst. The Bathurst courthouse includes courthouses for the Court of King's Bench as well as the Provincial Court, offices for crown prosecutors, sheriffs and staff whose roles are related to the administration of justice. Until December 1, 2021, residents of the Acadian Peninsula involved in cases before the Provincial Court could appear before a judge in Caraquet or Tracadie.

When the Minister decided to close the Caraquet courthouse and designate the Tracadie courthouse as a satellite, the Minister stated the changes were designed to “*..optimize the use of available resources based on the number of court cases.*” It was determined that the Bathurst courthouse could take on those cases, thereby reducing pressure on staff and improving resource allocation across the judicial system.

Affidavits filed by the Forum des Maires noted the concerns about the adverse consequences that the closures would have on the Acadian Peninsula's Francophone community, such as related well-paying job losses and obstacles to the population's access to justice by having to travel to Bathurst, citing costs and a long drive, that police officers on duty on the Acadian Peninsula will have to travel to the Bathurst Court to appear and testify in matters thereby resulting in a lower police presence on the Peninsula.

The Court of Appeal ultimately concluded that “*the Forum has not established that the impugned decision infringes the rights guaranteed by s. 16.1 of the Charter or the values it embodies.*”

Justice LeBlanc of the Court of Appeal found the application judge failed to explain how there was a link between the rights guaranteed by s. 16.1 and the allegations made by the Forum stating,

*“The rights guaranteed by s. 16.1 is that of equality of status and equal rights and privileges between the English and French linguistic communities of New Brunswick, including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and development of those communities.*

*In this case, to find an infringement of s.16.1, it must be shown that the Minister's decision resulted in an inequality of status, rights or privileges between the French and English linguistic communities of New Brunswick. However, the judge did not conduct this analysis.”*

Justice LeBlanc states: “*The “French linguistic community” refers to the entire French community without geographical or regional restrictions.*”

Justice LeBlanc states at paragraph 76 of the decision:

*“From a legal standpoint, there are not several French linguistic communities spread across different geographical areas of the province, but only one. In Charlebois v. Mowat, Justice Daigle, C.J.N.B. as he then was, explained that s. 16.1 of the Charter guarantees collective rights whose holders are the linguistic communities themselves” (at para. 63).*

*He added:*

*[...] section 16.1 includes, as opposed to subsection 16(2), a collective and community component as it seeks the equality of communities. Equally, it expressly acknowledges the role of the legislature and government to preserve and promote the equality of official language communities. [...] [para.79]*

At paragraph 78 the Court also goes on to state that:

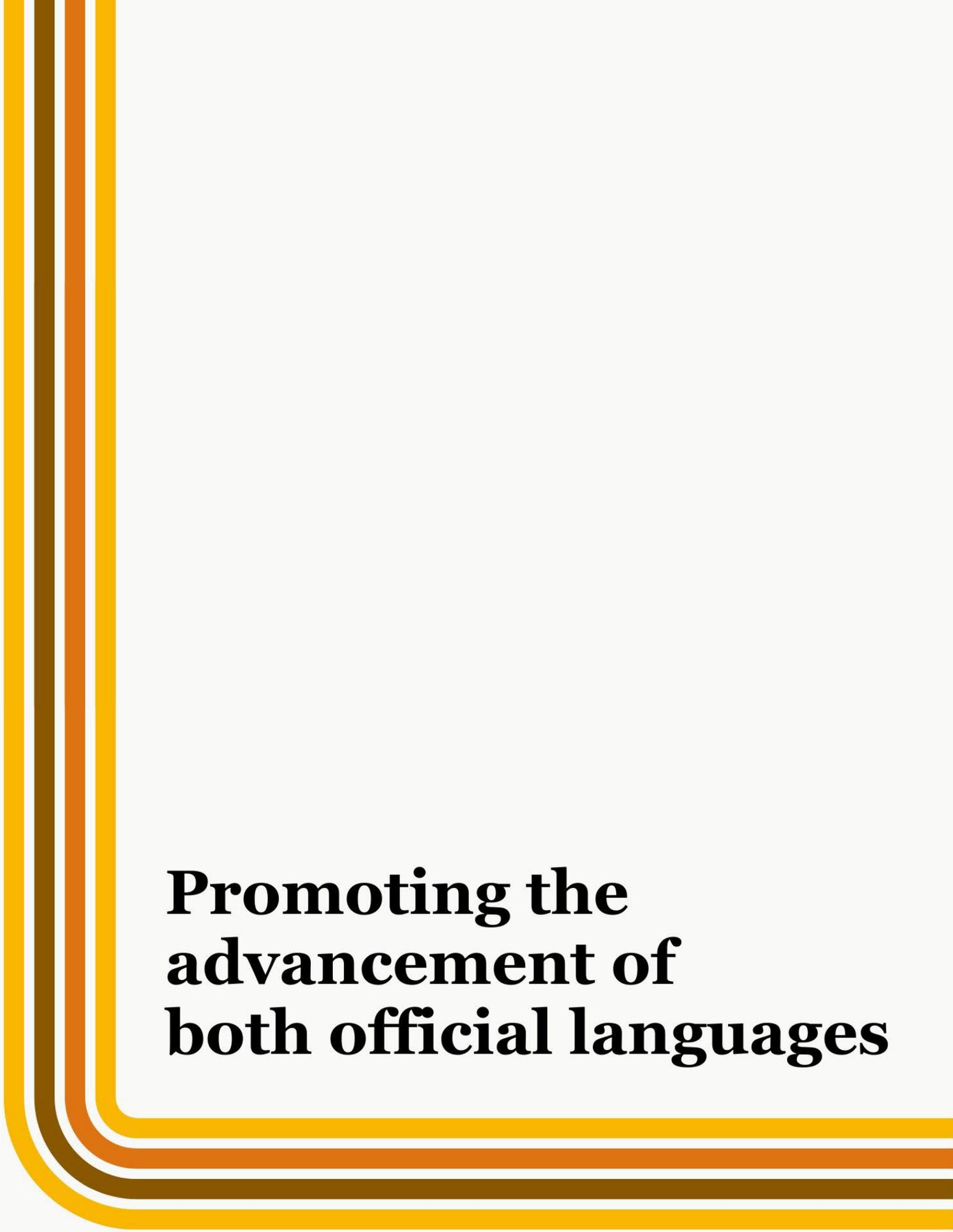
*“In Canada v. SANB, the Court also made clear that the “distinct institutions” referred to in s. 16.1(1) do not correspond to state institutions referred to in ss. 16(2) and 20(2) of the Charter. As a result, courts are not “distinct institutions” within the meaning of s.16.1.”*

Justice LeBlanc stated that, “*The Charter does not guarantee the absence of geographical obstacles, nor unlimited access to local judicial services at all times.*”

She noted that residents of the Acadian Peninsula would continue to have access to judicial services in French, although they would be required to travel a greater distance. The decision also lists numerous communities that also had courthouse closures stating, “*The impact of these closures was felt within the English linguistic community of New Brunswick.*”

The Court found that the scope of the wording of section 16.1 of the *Charter* could not be extended beyond the values specifically expressed in that provision and therefore set aside the decision of the decision rendered by the Court of King’s Bench.





**Promoting the  
advancement of  
both official languages**



# Promotion

Promoting the Advancement of Both Official Languages

## Mandate

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The Commissioner of Official Languages has a dual mandate: to investigate, report on, and make recommendations regarding compliance with the *Official Languages Act* and to promote the advancement of both official languages in the province.

Activities intended to promote the advancement of the two official languages in the province are vital for progressing towards real equality of the two official languages and the two official linguistic communities.

These promotional activities aim to:

- demonstrate the importance of bilingual services for the two linguistic communities;
- debunk in a more systematic way the myths surrounding official bilingualism and linguistic duality;
- highlight the social and economic benefits of the bilingual character of the province;
- promote dialogue between our two linguistic communities; and
- respond to members of the public's questions regarding duality and official bilingualism.

**43(9)** In accordance with the authority provided to the Commissioner under this Act, it is the role of the Commissioner to investigate, report on and make recommendations with regard to compliance with this Act and to promote the advancement of both official languages in the Province.

**43(9)** Conformément aux pouvoirs qui lui sont conférés en vertu de la présente loi, le rôle du commissaire est d'enquêter, présenter des rapports et de faire des recommandations visant le respect de la présente loi et de promouvoir l'avancement des deux langues officielles dans la province.

## Visibility

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The promotional work carried out by the Office of the Commissioner is apolitical and aims to build bridges between the two official linguistic communities. This work is important and must be supported. If we are serious in our desire to achieve substantive equality between the two official linguistic communities, it is imperative that the Office of the Commissioner have the necessary means to carry out this aspect of its mandate.

At a time when communication channels are multiplying and the attention of the population has become a highly valued commodity, promoting bilingualism requires a sustained effort that must be planned on a multi-year basis. The Office of the Commissioner remains committed to this promotional mandate and hopes to be able to ensure not only that the institutions subject to the *Official Languages Act* have a better understanding of their obligations but also that all New Brunswickers are more familiar with their rights under the *Act*.

### **Requests for information**

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Each year, the Office of the Commissioner receives numerous requests for information concerning the *Official Languages Act*, its scope and what steps to take in various situations, as well as requests for promotional materials.

In the 2024-2025 fiscal year, 47 requests in English and 33 requests in French were received. Among these, many requests were for “English/Français” pins or countertop signs.



# Promotion

Question period at the Legislative Assembly

***“AND WHEREAS the Constitution of Canada affirms, with respect to both official languages, the authority of the Legislature and Government of New Brunswick to advance the status, rights and privileges set out therein; ...”***

This is an excerpt from the preamble to the *Official Languages Act* of New Brunswick. It refers to advancing “the status, rights and privileges” of official languages in our province.

The many studies conducted on bilingualism in New Brunswick and in Canada have reiterated the importance of ensuring the presence and visibility of the minority official language in the public sphere if we truly want to one day achieve substantive equality of English and French.

People in positions of influence, such as provincial elected officials, play an important role in achieving this goal, because they are seen and heard by a very large number of people.

It is therefore with great concern that we note that the use of French continues to decline significantly in debates in the Legislative Assembly of New Brunswick, dropping by 3% between April 1, 2024, and March 31, 2025.

Provincial elected officials who support the *Official Languages Act* of New Brunswick and who want to participate in achieving its objectives should reflect on the results presented below. Question Period gives MLAs the opportunity to question ministers on matters of public interest. The debates are closely followed by the public and the media and are usually broadcast live. Question Period provides a glimpse into the work carried out by our MLAs and is a key means of parliamentary oversight over government activities. Given the importance of this event, MLAs should consider answering questions in the minority language, even if they are not asked in French. This approach would clearly demonstrate the importance of our two official languages in the province.

## Use of English and French during Question Period

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	2021–2022	2022–2023	2023–2024	2024–2025
<b><i>English</i></b>	80%	80%	86%	<b>89%</b>
<b><i>French</i></b>	20%	20%	14%	<b>11%</b>



# Promotion

Hello/Bonjour game redesign

## Hello/Bonjour – Stories of Language

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In early 2024, the Office of the Commissioner launched a promotional initiative geared towards students in grades 4, 5, 6 and 7 in our public schools. The main objective of the promotional campaign entitled Hello/Bonjour – Stories of Language was to enable students to learn more about official languages and language rights.

It was not a tool designed to teach English or French as a second language but rather to introduce students to the rich heritage of our province as well as the contributions of official bilingualism and its application.

Through two interactive online games created by the Office of the Commissioner, students in grades 4 and 5 were able to play New Friends, and those in grades 6 and 7 were invited to play New Brunswick’s Influencer.

However, the technology was not without fault, and some schools were unable to access both games for their students.

During the year covered by this annual report, the Office of the Commissioner worked to resolve the glitches in the program. A new version of the game is expected to be launched before the end of the 2025-2026 fiscal year.

We believe it is very important to talk about bilingualism with our youth and to explain to them what it means to be the only officially bilingual province in Canada. As demonstrated by the Commissioner’s discussions with students in the schools she visited, young people in New Brunswick have questions about official languages, and it is our duty to give them access to accurate information and dispel the myths surrounding the topic.



# Promotion

## Mandate of the Commissioner of Official Languages explained

During the 2024–2025 fiscal year, the Office of the Commissioner of Official Languages for New Brunswick produced a leaflet on the Commissioner’s mandate under the *Official Languages Act*, among other things.

The purpose of this leaflet was to explain in simple terms the role of the Commissioner and to raise awareness of the existence of her office among members of the public, who do not always know where to turn when their language rights have not been respected.

This initiative was part of the Commissioner’s mandate to promote the advancement of both official languages.

### OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES FOR NEW BRUNSWICK

*Protecting and promoting New  
Brunswickers’ language rights*



officiallanguages.nb.ca

### COMMISSIONER OF OFFICIAL LANGUAGES

The Commissioner is an independent agent of the Legislative Assembly and has two responsibilities.

- ✓ The first is to ensure compliance with the *Official Languages Act*. To do that, the Commissioner receives complaints from the public, conducts investigations, and if necessary, makes recommendations.
- ✓ The second responsibility is to promote the advancement of both official languages in the province.

#### What complaints can the Commissioner receive?

Complaints concerning:

- ↳ an institution of the Legislative Assembly or the New Brunswick government; (provincial departments, Crown corporations, courts, agencies of the Legislative Assembly, police services, hospitals and public health services, etc.)
- ↳ New Brunswick’s cities;
- ↳ municipalities and Regional Service Commissions with an official language minority of at least 20% of the population;
- ↳ professional associations that regulate a profession in New Brunswick;
- ↳ private or other bodies that provide services on behalf of the provincial government.

#### Can the Commissioner conduct investigations concerning businesses in the private sector?

No. However, the Commissioner can receive complaints and investigate cases involving businesses in the private sector that provide services on behalf of the provincial government.

#### Can the Commissioner impose sanctions?

No. But, at the end of an investigation, the Commissioner can recommend that corrective actions be taken.

### CONTACT US

#### Pins and signs

Private sector businesses may obtain “English–Français” pins and countertop signs by contacting us by phone or by email. These promotional items are used to inform members of the public upon entering a place of business that service is available in the official language of their choice.



#### Filing a complaint

If you believe that your linguistic rights have not been respected by the New Brunswick Government or by a public body under the New Brunswick *Official Languages Act*, you may file a complaint with the Office of the Commissioner of Official Languages for NB.



You can do so by using the contact information below, or by using the electronic form.

All complaints received are considered confidential. Every effort is made to keep the complainant’s identity confidential.

For more info: [officiallanguages.nb.ca](http://officiallanguages.nb.ca)

#### Contact us

440 King Street  
King Tower, #646  
Fredericton NB E3B 5H8

Telephone: 506-444-4229  
Telephone (Toll Free): 1-888-651-6444  
Facsimile: 506-444-4456  
Email: [commissioner@officiallanguages.nb.ca](mailto:commissioner@officiallanguages.nb.ca)

OFFICE OF THE COMMISSIONER  
OF OFFICIAL LANGUAGES  
FOR NEW BRUNSWICK



COMMISSARIAT AUX  
LANGUES OFFICIELLES DU  
NOUVEAU-BRUNSWICK



# Presentations by the Commissioner

Meeting with the people of New Brunswick

Below are the main activities in which the Commissioner was involved during the 2024-2025 fiscal year.

<b>May 30, 2024</b>	<b>Conference of the Canadian Association of Law Teachers</b> Panellist on the panel discussion regarding language rights Fredericton, NB
<b>November 7, 2024</b>	<b>Orientation for Ministers (further to the 41<sup>st</sup> General Election held on October 21, 2024)</b> Presentation regarding the commissioner's mandate and official languages in New Brunswick Fredericton, NB
<b>January 31, 2025</b>	<b>New Brunswick Legislative Internship Program</b> Virtual presentation regarding the commissioner's mandate and official languages in New Brunswick
<b>March 20, 2025</b>	<b>Appearance before the Standing Committee on Official Languages of the Legislative Assembly</b> Presentation of the 2023-2024 Annual Report Fredericton, NB
<b>March 27, 2025</b>	<b>Green Party of New Brunswick</b> Presentation regarding the commissioner's mandate and official languages in New Brunswick Fredericton, NB

