

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



**COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK**

NOVEMBER 2014

INVESTIGATION REPORT

CITY OF MONCTON

**SENT TO: THE PREMIER
THE CITY MANAGER
THE COMPLAINANTS**

**IN THE MATTER OF THE *OFFICIAL LANGUAGES ACT* OF NEW BRUNSWICK
R.S.N.B. 2002, CHAPTER O-0.5**

**Subject: Complaints under the *Official Languages Act*
City of Moncton – Public Transit System
Allegations of deficiencies with respect to written communication in English**

INVESTIGATION REPORT

1. INTRODUCTION

Two complaints were received at our office on September 18, 2013 and May 13, 2014 respectively which deal with allegations of deficiencies with respect to the City of Moncton's Public Transit System. We therefore chose to merge the results of our investigations within one report. The details of these complaints and subsequent investigations are as follows:

2. COMPLAINT AND INVESTIGATION OF THE FIRST FILE

On many occasions over the past few months and as recently as on September 18, 2013 while on a City of Moncton Public Transit bus on route # 51 (Green Line), the complainant noted signage which explains features of the bus to passengers in French only or which has text which is larger in French than in English. For example, instructions on operating the rear doors and/or how to operate emergency exits are in French only or appear larger in French than in English. The complainant says that being unilingual Anglophone as are other customers, it is a public safety issue and an insult.

On October 10, 2013, a letter pursuant to subsection 43(13) of the *Official Languages Act* ("OLA") was sent to the City of Moncton (City or institution) conveying the complainant's concerns and asking the institution to provide its position with respect to the allegations. On October 23, 2013, the City acknowledged receipt of this letter by email. A response was subsequently provided in a letter dated December 4, 2013 signed by the Manager, Communications and Bilingual Services for the City of Moncton. The following is an excerpt of this letter:

I have met with key personnel on this matter, including Don MacLellan, General Manager of Community Safety Services (City of Moncton), Angela Allain, General Manager (Codiac Transpo), and Marie-Claire Pierce, Senior Transit Planner (Codiac Transpo). With Mrs. Pierce's assistance, a preliminary assessment of the situation as related by the complainant was conducted on October 28, 2013, and in discussion with the persons listed above during the month of November 2013, several observations were noted.

First, I concur that there is some validity to the complainant's comments, with regards to some French- only signage. This can be explained by the purchase of eight (8) "used" buses from STM (Société de transport de Montréal), and the French-only signage was placed there by the original owner, or the québécois manufacturer (in this instance). However, two caveats should be

considered on this point: 1) in several cases, iconic images also accompanied the wording, to assist the passenger in understanding the message; and 2) the opposite was also found to be true on many other buses, i.e.: English-only signage.

I should clarify at this juncture that the Codiac Transpo fleet includes many makes, models and years of buses, so the reality is inconsistent signage. For example, in some buses, one might press on the doors to exit, while in another a weight-sensor in the stairs would open the doors. Signage would then, of course, vary extensively from one bus to the other.

Second, due to the maintenance rotation of the fleet, and the various types of buses, the number of the bus and route the complainant mentions is irrelevant to us. Rather, we will be undertaking an audit of the current situation regarding signage in our entire fleet, and make any required changes to respect the City of Moncton's Policy on Official Languages and/or the New Brunswick *Official Languages Act*.

Finally, on the point regarding public safety due to the English font being smaller than the French, it is our opinion that this is a non-issue. The English text is still legible, and in some cases was also accompanied by iconic images to clarify the message. However, the City attributes equal status to both English and French. As such, any sign produced by the City ensures that the fonts used on signage are of equal measure. The placement of English before French or vice-versa is judged on a case-by-case basis, depending on the location, graphic design elements and audience. In this type of "venue", we will use icons/images as much as possible in order to ensure understanding by all passengers.

It should also be noted that Codiac Transpo provides service to the tri-community, i.e. including Dieppe and Riverview. The linguistic dynamics of these communities must also be respected to the best of our abilities; therefore, the three buses that are part of the dedicated Dieppe fleet will feature signage in French first, but with English font in equal size. When the maintenance schedule requires a Dieppe bus to be in the mechanical shop, a Moncton bus could be used and the "French-first rule" would have to be overlooked, though all Moncton and Riverview buses would have bilingual signage.

Clearly, there is no easy "one-size-fits-all" quick solution to this issue. We are grateful that it was brought to our attention, and we will be appointing an internal working group to collaborate on the audit of signage, then proceeding to the design, production and installation of standard bilingual signage (though adapted to the many different buses), including receiving the appropriate spending approvals as required. We will also take the opportunity to review wording that appears on the bus exteriors, paid advertising excluded. Considering that there are over 40 buses in the fleet, and dozens of signs in each (again, paid advertisements excluded), we expect that it could take several months to complete the overall project.

I welcome your feedback on our approach with regards to this issue, and look forward to continued collaboration.

3. COMPLAINT AND INVESTIGATION OF THE SECOND FILE

On May 13, 2014 between 8:00 and 8:10 am, the complainant got on board Codiac Transpo Bus Number 510 on Route 51: Green Line, near the New Brunswick Community College Campus on Mountain Rd and was dropped off at 1111 Main Street in Moncton.

During this time, the complainant noted that some Moncton public buses have signs which are in French only but are intended to explain features / rules of the bus to its passengers and that there are no accompanying English language signs displayed anywhere for these French only signs. In particular, the following examples were observed on that date: "Porte actionnée par détecteur de mouvement. Pour ouvrir: 1. Attendez le feu vert. 2. Agitez votre main ou approchez-vous de la bande jaune.", "Ne pas s'appuyer sur les portes. Merci", "SVP déplacez-vous l'arrière.", "Merci de cédez votre place.", "Arrêt demandé". The complainant expresses concern about the signs which explain the safe use of the rear exit door for the safety of all bus passengers and fears the outcome of leaning on the rear exit door which an Anglophone could do not being able read or understand the French instructions.

On May 21, 2014, a letter pursuant to subsection 43(13) of the OLA was sent to City conveying the complainant's concerns and the institution to provide its position regarding the new allegations. On August 7, 2014, a letter dated July 25, 2014 from Jacques Dubé, the City Manager was received in response to the complaint. The following is an excerpt of this letter:

Thank you for this opportunity to provide you with an update on the signage found within our Codiac Transit fleet. As you recognized, this most recent complaint is quite similar to the initial one presented in October 2013, and we are confident that the solution will address the concerns all of customers.

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

Next, an internal working team was created to review each sign assessing them for: legality, what signs are missing from one series of bus to another, what signs were needed to be added, what signs needed to be removed etc. Please note that Codiac uses five different series/makes of buses, which means each series requires different signs. This team has also determined categories of signs from instructional to informative, for each bus.

This group has already met on several occasions, and their review is still underway, to ensure consistency among all signage, with the final goal being the development of a full catalogue. They will then solicit feedback from other key employees, including mechanics, operators and supervisors, to ensure nothing was missed. Once Codiac Transpo is comfortable with this catalogue, it will be submitted for review to the Communications department (wording and translation), as well as the Legal department.

The final steps will be the new design of signage that was deemed essential, the removal and/or replacement of others, and establishing guidelines for signage for all future buses being added to the fleet. As I'm sure you can appreciate, this exercise is quite lengthy and has some financial

implications. As such, we expect this project to be completed in early 2015, pending budget approvals.

The above-noted information will allow us to draw conclusions without the need to continue our investigations or invoke any additional powers such as those conferred on a commissioner under the *Inquiries Act*.

4. Observations, Analysis and Conclusion

In his response, the City Manager does not deny the allegations made against the City with respect to signage on Public Transit buses but rather outlines that a committee was formed to address the complainants' issues. We therefore conclude that these complaints are founded.

That said we applaud the City's willingness to use "icons/images as much as possible in order to ensure understanding by all passengers." We also note the corrective measures initiated by the City including "[...] to review each sign assessing them for: legality, what signs are missing from one series of bus to another, what signs were needed to be added, what signs needed to be removed etc." The City Manager indicates that "[t]he final steps will be the new design of signage that was deemed essential, the removal and/or replacement of others, and establishing guidelines for signage for all future buses being added to the fleet."

In light of the above, we do not deem it necessary to make formal recommendations in this case but would appreciate being advised once the signage on the billboard is replaced.

This report is respectfully submitted to the Premier, to the City Manager and to the complainants pursuant to subsection 43(16) of the OLA.

[Original signed by]

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

Dated at Fredericton,
in the Province of New Brunswick
this 14th day of November 2014

