

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



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

**FEBRUARY 2014**

**INVESTIGATION REPORT**

**CITY OF DIEPPE**

**TRANSMITTED TO: THE PREMIER  
THE CHIEF ADMINISTRATIVE OFFICER  
THE COMPLAINANT**

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

**Subject: Complaint under the *Official Languages Act*  
City of Dieppe  
Allegations of deficiencies concerning delivery of services in English**

**INVESTIGATION REPORT**

**1. Complaint**

On January 28, 2014, a complaint was filed at our office the details of which are the following:

The complainant is a truck driver who makes deliveries at the Dieppe City Garage. Having arrived late (4:05pm) and after the regular receiver left for the day, he dialed his emergency number: 506-877-7990 at the Dieppe City Hall. The woman who answered made the active offer of service and told him she would transfer his call. When this was done, a French only recording came on which he could not understand so he hung up and called the original number again to explain what had happened. During this time someone else arrived at the garage so he was able to make his delivery. The complainant says that the situation is not acceptable particularly if it had been a real emergency.

**2. Investigation**

Pursuant to subsection 43(13) of the *Official Languages Act* ("OLA"), on February 3, 2014, a letter serving as a notice of investigation was sent to the City of Dieppe conveying the complainant's concerns. The following is an excerpt of the letter:

Pursuant to subsection 43(13) of the Official Languages Act (OLA) of New Brunswick, the following is to inform you of our intention to carry out an investigation further to the filing of a complaint concerning the City Garage's answering service. Please note that this should not be interpreted as a statement of fact in relation to an offence or a predetermination regarding the validity of the allegations. The details of this complaint are as follows:

The complainant is a truck driver who makes deliveries at the Dieppe City Garage. Having arrived late (4:05pm) on January 27, 2014 and after the regular receiver left for the day, he dialed his emergency number: 506-877-7990 at the Dieppe City Hall. The woman who answered made the active offer of service and told him she would transfer his call. When this was done, a French only recording came on which he could not understand so he hung up and called the original number again to explain what had happened. During this time someone else arrived at the garage so he was able to make his delivery. The complainant says that the situation is not acceptable particularly if it had been a real emergency.

Please be advised that when a complaint is filed, interaction between our office and a concerned institution is considered to be an integral part of the communication between the complainant and this institution. Although communication occurs indirectly through our office,

the provisions of the OLA which outline communication obligations are applied. Consequently, all correspondence or documents in this case will be sent in the official language chosen by the complainant, English in this case, and we ask that you do likewise in the formulation of your responses.

That said we are seeking your co-operation with this investigation. As such, we would appreciate your providing us with your position with respect to these allegations and any additional information which could assist me in making a determination in this case.

On February 19, 2014, the City of Dieppe's response was received in a letter which outlined the following:

Thank you for your letter of February 3 regarding the complaint to our Operations Center. Please be advised that we performed an audit of our telephone system immediately following receipt of your letter.

It was discovered that indeed a mailbox from one of our mobile phones contained an automated message from Bell Aliant which was in French only. Our staff immediately rectified the situation. We recently made changes to our in-house telephone system and this oversight occurred during this transition period.

We would like to emphasize that even though the City is a francophone municipality, we pride ourselves by offering services in both official languages and as soon as a problem is brought to our attention, we are committed to remedy the situation as quickly as possible.

Please take note that if the plaintiff had informed us of his experience directly, rest assured that this situation would have been resolved much more quickly.

In the light of the above, we are able to draw conclusions without the need to continue our investigation or invoke any additional powers such as those conferred on a commissioner under the *Inquiries Act*.

### **3. Observations, Analysis and Recommendations**

In its response, Dieppe does not deny the allegations against it. Rather it acknowledges that its voicemail service was in French only. We therefore conclude that the complaint is founded.

While we applaud the City of Dieppe's prompt response and corrective action with respect to the voicemail issue, we believe that a system should be in place to ensure that the provisions of the OLA are respected at all times. To that end, the City of Dieppe should incorporate a mechanism to prevent similar omissions in the future. Accordingly, we make the following recommendation:

**Recommendation 1:**

- A. That the City of Dieppe conduct unannounced periodic verifications of its employees' active offer and provision of services in both official languages at each point of contact with the public such as by telephone or in person. Substantiation of employees' linguistic compliance in their interaction with the public will allow for the prompt correction of issues as they arise.
  
- B. That the City of Dieppe continue to remind its front-line employees of their obligations under the OLA and specifically of the importance of always informing members of the public that services are available in the official language of their choice.

The City of Dieppe indicates in its response that the situation in this case could have been resolved more quickly had the complainant contacted it directly. It is not clear whether a system is in place in this case to enable public feedback on the City's provision of services in both official languages. We therefore recommend the following:

**Recommendation 2:**

That the City of Dieppe establish a system inviting public feedback on the City's provision of services in both official languages.

This report is respectfully submitted to the Premier, to the Chief Administrative Officer of the City of Dieppe and to the complainant pursuant to subsection 43(16) of the OLA.

[Original signed by]

Katherine d'Entremont, MPA  
Commissioner of Official Languages for New Brunswick

Signed at Fredericton,  
in the Province of New Brunswick  
This 26<sup>th</sup> day of February 2014

