

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



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

JANUARY 2015

INVESTIGATION REPORT

CITY OF FREDERICTON

SENT TO:

**PREMIER
CITY ADMINISTRATOR
COMPLAINANT**

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

**Complaint pursuant to the *Official Languages Act*
City of Fredericton
Errors in the French version of the Visitor Guide**

Investigation Report

1. Complaint

A number of errors were noted by an individual while reading through a copy of the City of Fredericton Visitor Guide and were brought to our attention.

2. Investigation

On August 19, 2014, pursuant to subsection 43(13) of the *Official Languages Act* of New Brunswick (the "OLA") a letter was sent to the City of Fredericton ("the City") conveying the complainant's allegations. In that letter, the City was asked to provide us with its position with respect to this complaint and to answer the following questions:

1. Is the City of Fredericton entirely responsible for the content of the Visitor Guide (including the advertisements)?
2. Does the City have access to adequate or approved translation services?
3. Before publication, is the Visitor Guide subject to a quality control review in both official languages?

We received the City's reply on October 6, 2014, in a letter dated October 3, 2014. The following is an excerpt from that letter:

After consideration, staff of the Tourism Division has reviewed the matter and has provided the following information in relation to your questions:

1. Is the City of Fredericton entirely responsible for the content of the Visitor Guide (including advertisements)?

The City of Fredericton produces the Visitor Guide on behalf of the Fredericton tourism industry. The Visitor Guide is comprised of two parts, one being general content information and the second being advertisements.

Any listings which form part of the general content information are sent to the proper industry partner for updates each year. Once the municipality receives the required updates and information, it is sent for translation with an outside source in order to produce the French

Visitor Guide. The information with respect to the self-guided walking tour on page 20 would have been sent to translation when it was updated.

The content of the advertisements are the responsibility of each purchaser. Purchasers are required to provide the Tourism Division with a camera ready advertisement in each official language. Once a camera ready advertisement is received, it is not sent to translation. This is what happened with the advertisements that were brought to our attention by the complainant.

Businesses that want to submit advertisements for the guide are informed that they must submit camera ready advertisements in bilingual form and that they must use a credible translation service. Businesses are completely responsible for the content of their business advertisement, however if they ask the Tourism Division to design their advertisement or revise a previous advertisement, then it is sent to translation. The advertisement is then sent back to the business for final approval of both the English and French versions. If the business does not request any changes to the advertisement from previous years, the advertisement is not re-proofed by the business and is printed as it would have appeared in the previous year.

2. Does the City have access to adequate or approved translation services?

Yes, the municipality has access to adequate or approved translation services. As of March, 2014, the Tourism Division uses the Province of New Brunswick translation services; prior to that time Optimum Translation provided translation services.

3. Before publication, is the Visitor Guide subject to a quality control review in both official languages?

Before the Visitor Guide is published, it is reviewed by at least three different members of the Tourism Division staff. The French Visitor Guide is reviewed by an internal bilingual staff person. The municipality does not engage an outside source to review the Visitor Guide in both official languages.

As a result of receiving your correspondence, the Tourism Division is reviewing the process with respect to proofing the Visitor Guides. We are open to receiving any recommendations you may have with respect to this matter.

In the light of the information gathered, we are able to draw meaningful 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 and Analysis

Pursuant to section 36 of the OLA, the City of Fredericton, as a city, is required to offer the services and communications prescribed by *New Brunswick Regulation 2002-63* (the "Regulation") in both official languages. The following from Column I of Schedule A of the Regulation are particularly relevant in this case:

1

(a) public notices of a general nature, including tender notifications, advertisements, public education material and council agendas

[...]

3 Public notices, information and responses to inquiries related to recreational, leisure and cultural services.

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

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

Based on the information provided by the City, the content of the Guide can be divided into two categories: general information and advertising messages. The City tells us that general information, of which the text on the self-guided walking tour (p. 20) is an example, is translated by external services. Yet the following sentence appears on that page: "*En été des visite [sic] patrimoniale [sic] guidée [sic] offerte [sic].*" It is surprising and regrettable that these errors were missed by not only translation services, but also the person responsible for reviewing the French version of the Guide.

As for the ads, the City of Fredericton informs us that "[b]usinesses are completely responsible for the content of their business advertisement." It is, therefore, up to these businesses to purchase the desired advertising space and to submit their ad in both official languages. However, the City can design an ad and have it translated and reviewed on request; the resulting ad is then submitted to the business in question for approval. According to the City, the restaurant [mentioned by the complainant] submitted its own ad. Given that this is the same ad as the one published in the previous edition of the Visitor Guide (2013), the restaurant clearly did not ask to have its ad corrected, no doubt because it did not notice the errors it contained. However, this brings us back to the fact that the publication belongs to the City of Fredericton. Upon reading the words "*poison*" and "*sales*" written, respectively, instead of the words "*poisson*" and "*salles*," to mention only these examples, one might wonder about the good faith of the publisher of the publication in which the ad appears.

While we have no wish to belittle the work done by the City of Fredericton Tourism Division, there is every reason to believe that the Division's staff does not have the expertise required to properly review the content of the Guide.

4. Conclusion

As the City of Fredericton did not dispute the allegations, we conclude that this complaint is founded.

We note with interest, though, that the Tourism Division relies on the New Brunswick government's Translation Bureau since March 2014. We trust that this will enable the City to produce quality documents in both official languages.

However, in the light of all the information gathered in this case, we do feel it is necessary to make the following recommendation:

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

In the event that the complainant is not satisfied with our conclusions, she may apply to the Court of Queen's Bench of New Brunswick for a remedy under subsection 43(18) of the OLA.

In accordance with subsection 43(16) of the OLA, we respectfully submit this report to the Premier, to the Administrator of the City of Fredericton and to the complainant.

[Original signed by]

Katherine d'Entremont
Commissioner of Official Languages for New Brunswick

Signed at Fredericton,
in the Province of New Brunswick,
this 14th day of January 2015