

2009-2010

with Two Languages



Building the Future...

Commissioner of
Official Languages
for New Brunswick



Commissaire aux
langues officielles du
Nouveau-Brunswick

September 2010

The Honourable Roy Boudreau
Speaker of the Legislative Assembly of New Brunswick
Legislative Building
P.O. Box 6000
Fredericton (New Brunswick) E3B 5H1

Mr. Speaker:

Pursuant to Section 43(21) of the *Official Languages Act*,
I am pleased to submit the report concerning the activities
of the Office of the Commissioner of Official Languages for
New Brunswick for the period of April 1, 2009 to March
31, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'm to'.

Michel A. Carrier, Q.C.
Commissioner of Official Languages for New Brunswick

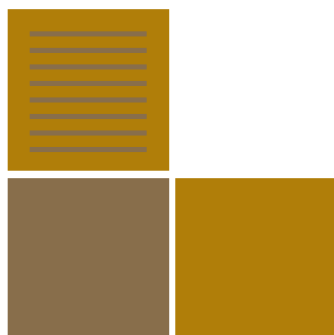


TABLE OF CONTENTS

Foreword.....	3
Summary.....	4
From the Commissioner.....	5
Language Issues.....	7
An Enlightening Survey on Official Languages.....	7
Government implementation strategy for the <i>Official Languages Act</i>	12
Language of commercial signage in Dieppe.....	15
Government signage.....	17
Reform of New Brunswick Health System.....	17
Other interventions from the Commissioner.....	19
Conference Proceedings <i>Shaping Our Future with Two Languages</i>	21
Investigations.....	30
Statistics.....	31
Selection of Founded Complaints.....	33
Court Decisions.....	42
Promotion.....	45
<i>People are talking... about Official Languages</i>	47



FOREWORD

New Brunswick: Only Officially Bilingual Province

English and French are the official languages of New Brunswick; they have equality of status and equal rights and privileges.

According to the 2006 Census, 64.4% of New Brunswickers have English as their mother tongue. French is the mother tongue of 32.4% of the province's residents.

Official Languages Act

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

- Legislative Assembly,
- provincial departments,
- regional health authorities and hospitals,
- Crown corporations (e.g., NB Liquor, NB Power, Service New Brunswick),
- any agency that offers services on behalf of the provincial government,
- the province's courts,
- policing services.

In addition, the OLA imposes obligations on:

- cities (Bathurst, Campbellton, Dieppe, Edmundston, Fredericton, Miramichi, Moncton, Saint John),
- municipalities with an official language minority of at least 20 % of the population,
- planning commissions and solid waste commissions serving an area with an official language minority of at least 20 % of the population.

The OLA does not apply to private-sector enterprises, except in cases where they offer services to the public on behalf of the provincial government.

Active Offer

Institutions bound by the OLA have an obligation to inform citizens that their services are available in both official languages. As a result, it is not up to citizens to request service in their language, it is up to the institution to make that offer. Examples of active offer include answering the telephone or greeting someone in both official languages.

Commissioner of Official Languages

The OLA has established the position of Commissioner of Official Languages. The Commissioner has a dual mission: to investigate and make recommendations with regard to compliance with the Act, and to promote the advancement of both official languages in the province. The Commissioner of Official Languages is an officer of the Legislative Assembly and is independent of government.

Annual Report

The *Act* provides that the Commissioner must report on his or her activities each year.

This seventh Annual Report presents a description of the activities carried out between April 1, 2009 and March 31, 2010.



SUMMARY

Daring to Embrace Change

The Commissioner, Michel A. Carrier, believes that the provincial government should take its cue from the leadership shown by former premiers Louis J. Robichaud and Richard Hatfield in improving the *Official Languages Act*. The Commissioner recommends adding three elements to the Act.

Language Issues

Several topics are dealt with in this chapter. Here are the main ones.

Survey

This chapter begins with a presentation of the results of a survey on official languages. The survey highlighted substantial support for official bilingualism in New Brunswick. It also revealed that the two linguistic communities do not always have the same perceptions regarding certain aspects of official languages. The future of French in the province is one example of that.

Government implementation strategy for the OLA

The Commissioner had the opportunity to review the government's implementation strategy for the *Official Languages Act*. Although the document includes some very pertinent elements, the Commissioner believes that the strategy does not contain all of the measures necessary to ensure its success. Numerous recommendations are put forward.

Language of commercial signage in Dieppe

For the Commissioner, it is important that any regulation dealing with language of signage fully comply with the principle of equality of the two linguistic communities. Only then, he believes, will such a measure inspire other municipalities to act so that commercial signage in their communities better reflects the values at the heart of the *Official Languages Act*.

Government signage

The Commissioner recommends that the provincial government adopt a balanced policy on government signage. Such a policy would ensure equal treatment for both official languages while reflecting, through the positioning of the English and French words, the linguistic reality of the various regions of the province.

Shaping Our Future with Two Languages

In November 2009, a major conference dealing with perceptions and attitudes toward official languages was held in Fredericton. These proceedings outline a number of measures to promote greater equality between English and French.

Investigations

During the year, the Office of the Commissioner received 162 complaints, most having to do with deficient services in French. Selected founded complaints and the resulting recommendations are presented.

Court Decisions

A Justice of the Court of Queen's Bench ruled that the *Canadian Charter of Rights and Freedoms* imposes a duty on New Brunswick police officers to inform citizens of their right to be served in the official language of their choice. That decision has some important consequences, particularly relating to the power of Provincial Court judges to order remedies for failure to comply with the *Official Languages Act*.

Promotion

The OLA states that the Commissioner must promote the advancement of both official languages in the province. This chapter presents the activities carried out in connection with that role. Moreover, a reproduction of the insert *People are talking... about Official Languages* is presented at the end of this chapter. That document presents some inspiring testimonials from several New Brunswickers.



FROM THE COMMISSIONER

Daring to Embrace Change

In 1969, the members of the Legislative Assembly took a historic step by unanimously adopting the first *Official Languages Act*. Then Premier Louis J. Robichaud and Leader of the Opposition Richard Hatfield were aware that this legislation was not universally supported. But they were convinced of its validity and necessity: they dared to embrace change.

The *Official Languages Act* changed New Brunswick. In addition to redefining our collective identity, it supported a broad social transformation that enabled the French language to make remarkable progress in all areas. In so doing, the OLA created greater equality between our two linguistic groups and thereby encouraged social cohesion.

Despite this Act's extraordinary contributions, it does not seem to enjoy great popularity. At the Legislative Assembly, the members seldom address the issue of official languages. Whenever the media raise the issue, controversy is never far behind. And we are all familiar with the various myths surrounding the official languages. Yet, the New Brunswick public views the OLA in a basically favourable light.

Last June, my Office participated in a survey on official languages. I admit that I was impatient to learn the results of that survey, which was conducted by Continuum Research. Forty years after the adoption of the first Act, how would New Brunswickers judge this social contract?

The results thoroughly delighted me. A majority of New Brunswickers (82%) support the concept of the *Official Languages Act*. Although that support is higher among Francophones (97%) than Anglophones (75%), the finding is clear: bilingualism is accepted in our province. The survey also reveals that our two linguistic communities share several similar points of view on the question of bilingualism and linguistic duality. There are, however, interesting differences. For example, 55% of Francophones believe that the future of the French language is threatened, whereas only 22% of Anglophones share that opinion. On page 7 of this report, we present the survey highlights.

In an effort to better understand the perceptions surrounding official languages, we organized a conference on that topic in November 2009. With

“New Brunswick can go further. Will we, like Louis J. Robichaud and Richard Hatfield, dare to embrace change?”

Michel A. Carrier

approximately a hundred people in attendance, the event provided a forum in which to highlight the progress achieved over the past few decades while shedding light on the challenges that continue to exist. In particular, it appears necessary to increase interactions between the two linguistic groups and improve second-language instruction. Moreover, many participants were surprised to learn that duality in education was still considered a divisive factor by some. Obviously, efforts need to be made to explain the reality of a language in a minority setting.

The results of the survey and the conference clearly show that official bilingualism is a fact of life in our province in the same way as our Medicare program or our public education system. Forty years after the adoption of the first *Official Languages Act*, I believe that New Brunswick is ready to move on to another phase aimed at giving all citizens equal opportunities for realizing their potential in the official language of their choice. The upcoming review of the OLA gives us that chance.

Since 2002, the year that the new OLA was passed, we have had the opportunity to take inventory of its strengths and its weaknesses. We have already noted

several areas where there is room for improvement. In our view, three of those appear to be fundamental:

- Incorporate the right of civil servants to work in the official language of their choice into the Act, with a view to fully recognizing the principle of the equality of the two linguistic communities.
- Better define and frame the applicable language obligations in the case of public-private partnerships, the privatization of public services, and the granting of exclusive rights (monopolies) to private agencies.
- Require all institutions covered by the Act to produce a plan for implementing their obligations that centres on measurable results. The details of that plan would be spelled out in the regulation under the Act.

This annual report contains many other recommendations to help us build the future of this province with our two official languages.

New Brunswick can go further. Will we, like Louis J. Robichaud and Richard Hatfield, dare to embrace change?



LANGUAGE ISSUES



An Enlightening Survey on Official Languages

In the spring of 2009, the Office of the Commissioner participated in the realization of a major survey on official languages. Conducted by Continuum Research, the survey was designed in particular to examine the views of New Brunswickers regarding bilingualism, linguistic duality, and relations between the two communities. Here are a few highlights from that survey.

Continuum Research conducted a total of 800 interviews (400 in English, 400 in French) with residents of New Brunswick 18 years of age and older. Interviews took place between June 9th and 21st, 2009. The margin of error province-wide is +/-4.1 percent at a 95 percent level of confidence and +/-5.0% for each of the linguistic sub-samples.

Sizable Support for Official Languages

The survey shows that a strong majority of New Brunswickers, or 82%, supports the concept of official languages legislation and bilingualism in New Brunswick. Although that support is nearly unanimous among Francophone New Brunswickers, it is important to note that three-quarters of Anglophone New Brunswickers also support this concept.

Respondents were also asked to give the main reason why they support or oppose official languages legislation. Among those who are in favour of this type of legislation, 29% of respondents say their support is based on respect for both languages. This is followed by 12% who say that “it makes sense” or that it is a “fact of life in New Brunswick” and another 12%

Support for Official Languages Legislation (% of Respondents)

	NB	Anglophones	Francophones
Strongly Support	54	38	85
Somewhat Support	28	37	12
Somewhat Oppose	7	10	1
Strongly Oppose	9	13	1
DK/NA	2	2	1

Q. In 1969, the provincial government passed the *Official Languages Act*, which recognized both English and French as official languages for the province and having equal status and rights. In general, do you support or oppose the concept of the *Official Languages Act*? Would that be strongly or somewhat?

who say they support this legislation out of fairness, equality, and the need to provide equal opportunities for New Brunswickers.

As for the main reason why respondents oppose the concept of official languages legislation, the fact is that

this group consists primarily of non-Francophones. The belief that official languages legislation means that you need to be bilingual or French-speaking to get government jobs (26%) is the main reason for their opposition.

Main Reason to Support Official Languages Legislation (% of Respondents)

	NB	Anglophones	Francophones
Respect for two languages	29	25	34
Makes sense / Fact of life in NB	12	15	9
Fairness / Equality / Equal Opportunity	12	15	7
Respect for French	8	5	14
Recognizes linguistic heritage	7	7	9
Good to be Bilingual / Multilingual	4	7	3
My family is French / Bilingual	4	4	4
Should have access to service in your own language	2	1	4
Unites our province	2	3	1
Other	11	12	8
None	2	2	2
DK/NA	5	5	5

Q. What would be the main reason why you support this concept?

Main Reason to Oppose Official Languages Legislation (% of Respondents)

	Anglophones
Need to be bilingual / French to get Government jobs	26
Unfair / Unequal	16
Increases cost of Government services	15
Gives preference / privilege to French speakers	13
Forces people to become bilingual / learn French	11
Higher taxes	4
Disrespect for English	4
Concession to special interests	1
It divides our Province	1
Other	6
None	1
DK/NA	2

Q. What would be the main reason why you oppose this concept?

Official Languages, Bilingualism and Education

Despite the fact that three-quarters of Anglophone New Brunswickers support official languages legislation, fewer than one in six Anglophones (15%) report that they are bilingual. This is far lower than the number of Francophones (70%) who say that they are bilingual.

For those who may be concerned that Anglophones are giving only notional support to the concepts of official languages legislation and bilingualism, it is important to note that one-third of Anglophone New Brunswickers between 18 and 34 years of age state that

they are bilingual. According to Continuum Research, as this cohort of society ages, they will be followed by a younger generation that is likely to report even higher levels of bilingualism.

Three-quarters of New Brunswickers (75%) say that it is very important that instruction in the other official language is available in New Brunswick schools. Francophones (86%) are more likely than Anglophones (69%) to say that instruction in the other language is very important.

Self-Rated Level of Bilingualism (% of Respondents)

	NB	Anglophones	Francophones
Excellent / Effortlessly Bilingual	17	5	40
Good / Bilingual	17	10	30
Fair / Somewhat Bilingual	22	23	19
Poor / Not Bilingual	45	63	11

Q. How would you rate your ability to speak and understand [NON-Maternal Language from Q.1]?

Importance of School Instruction in Other Official Language by Maternal Language (% of Respondents)

	NB	Anglophones	Francophones
Very important	74	69	86
Somewhat Important	19	22	13
Not Very Important	3	3	1
Not At All Important	3	5	0
DK/NA	1	1	0

Q. Do you think it is very important, somewhat important, not very important or not at all important that instruction in the other official language is available in New Brunswick schools?

Relations between the Linguistic Communities

A majority of New Brunswickers (57%) report that their personal attitudes toward bilingualism and official languages legislation have remained unchanged over the past ten years. However, Francophones (82%) and Anglophones (63%) say that relations between these communities have become more positive over that period.

Perceptions: Several Similarities, but Differences Too

Although there are differences between the two language groups in terms of degree of support, New Brunswickers see the recognition of our linguistic duality as a source of pride. The fact that New Brunswick is unique among Canadian provinces in this regard contributes to a sense of provincial

identity. Further, both Anglophones and Francophones see linguistic duality as a source of cultural enrichment.

Along with agreement on the positive attributes of linguistic duality, there is also rejection of the notion that having two official languages creates no advantage for New Brunswick. Clearly, New Brunswickers, unilingual or bilingual, see an advantage in a bilingual and bicultural New Brunswick.

There is one area where there is significant disagreement between Anglophones and Francophones in New Brunswick – perceptions of the future viability of the French language in both Canada and New Brunswick. A significant majority of Anglophones do not believe that the French language is under threat in either New Brunswick (73%) or in Canada (70%). In contrast, a majority of Francophones believe that, in both Canada (61%) and in New Brunswick (55%), the future of the French language is threatened.

Attitudes on Language Issues (New Brunswick) (% of Respondents)

	Strongly Agree	Somewhat Agree	Neither Agree Nor Disagree	Somewhat Disagree	Strongly Disagree	Do not know No answer
I am proud to live in Canada's only officially bilingual province.	63	21	6	4	6	1
New Brunswick's linguistic duality is a source of cultural enrichment for me.	45	28	5	8	9	4
The linguistic rights of both English and French are respected in New Brunswick.	42	36	2	11	7	2
Relationships between Anglophones and Francophones in my region are more positive today than they were 10 years ago.	40	30	9	7	6	8
Having two official languages creates no advantage for New Brunswick.	16	13	4	20	47	1
The future of the French language in Canada is threatened.	16	20	5	26	31	3
The future of the French language in New Brunswick is threatened.	14	18	4	24	38	3

Q. For each of the following statements, please tell me if you agree, disagree or neither agree nor disagree. How about...? [IF "AGREE" OR "DISAGREE", ASK "Would that be strongly or somewhat?"] RANDOMIZE

Attitudes on Language Issues by Maternal Language (% Strongly agree)

	NB	Anglophones	Francophones
I am proud to live in Canada's only officially bilingual province.	63	51	85
New Brunswick's linguistic duality is a source of cultural enrichment for me.	45	31	71
The linguistic rights of both English and French are respected in New Brunswick.	42	42	39
Relationships between Anglophones and Francophones in my region are more positive today than they were 10 years ago.	40	32	56
Having two official languages creates no advantage for New Brunswick.	16	16	16
The future of the French language in Canada is threatened.	16	6	33
The future of the French language in New Brunswick is threatened.	14	8	26
[Q. For each of the following statements, please tell me if you agree, disagree or neither agree nor disagree. How about...? [IF "AGREE" OR "DISAGREE", ASK "Would that be strongly or somewhat?"] RANDOMIZE			

Perceptions about Learning the Other Official Language

Respondents in each language group were asked to agree or disagree with the statement that they do not feel pressured to learn the other official language. Two-thirds of Anglophones, or 65%, consider that they do not feel pressured to learn French, compared

to 43% of Francophones who do not feel pressured to learn English, an overall difference of 22 percentage points. A majority of Francophones (52%) disagree, with 37% strongly disagreeing that they feel no pressure to learn English.

Agree / Disagree – Not Pressured to Learn Other Official Language (% of Respondents)

	Anglophones	Francophones
Strongly Agree	41	24
Somewhat Agree	24	19
Neither Agree Nor Disagree	5	4
Somewhat Disagree	13	15
Strongly Disagree	18	37
Q. For each of the following statements, please tell me if you agree, disagree or neither agree nor disagree. How about...? [IF "AGREE" OR "DISAGREE", ASK "Would that be strongly or somewhat?"] RANDOMIZE [ASK ENGLISH ONLY] I do not feel pressured to learn French. [ASK FRENCH ONLY] I do not feel pressured to learn English.		

Government implementation strategy for the OLA **Setting Itself Up for Success**

For several years now, the Commissioner of Official Languages for New Brunswick has been recommending that the provincial government adopt a master plan for ensuring full, uniform implementation of the *Official Languages Act* (OLA). In 2009, Premier Shawn Graham addressed that recommendation by announcing the setting up of a committee tasked with developing, by March 31, 2010, an implementation strategy for the OLA. According to the Premier, the strategy would identify the action needed for all departments to meet their obligations under the Act. Nearly a year later, the provincial government submitted the strategy to the Commissioner. Although the document includes some very pertinent elements, the Commissioner believes that the strategy does not contain all of the measures necessary to ensure its success. This text presents a summary of the Commissioner's comments and suggestions.

Ensuring Success

The government strategy sets out a solid foundation consisting of the following elements:

Problem: Although the overview of the official languages situation is short and does not contain any statistical data, it is balanced and fair.

Vision and objectives: What the government is seeking to accomplish is defined clearly, and the four sectors of activity seem appropriate (Language of Service, Language of Work, Promotion of Official Languages, and Knowledge of the Legislation and Other Obligations).

Measures: The document contains targeted measures to improve the situation of official languages in the province. In that regard, the following deserve mention:

- review of the language training program;
- development of measures to improve the bilingual capacity of the senior public service;
- organization of an awareness campaign on the use of the two official languages for government employees;
- development of a program to promote official bilingualism;
- addition of the issue of official languages to the mandate letter from the Premier to the deputy ministers.

Scope of the Strategy: Some Surprising Exclusions

The strategy is aimed solely at government departments and agencies. Yet, the OLA also includes other institutions (Crown corporations, commissions, health system, etc.). Moreover, the Commissioner recommended that all institutions subject to the Act be required to develop a master plan.

If, for administrative or other reasons, the government strategy cannot be applied to the other institutions bound by the OLA, the provincial government should ensure that these institutions are under the obligation to develop their own master plan with regard to official languages.

Questions Regarding Implementation of the Strategy

The implementation of the strategy is based on the development and implementation of action plans by the departments and agencies. On page 19 of the strategy, we read as follows: "Therefore, to show the Province's commitment, and in follow-up to the preparation of the strategy, the Premier will entrust the task of coordinating the preparation of the provincial action plan to a central agency or department."

We applaud that measure; in our view, it is fundamental. However, some questions arise. Will the body that coordinates the strategy's implementation have the human and financial resources to carry out that important task? Will it have the necessary authority to ensure that the departments conform to the government's objectives? In that regard, it seems to us that the coordinating body should come under the Office of the Premier or the Executive Council. That would be totally logical, because the OLA stipulates that the Premier is responsible for the application of the legislation.

Key Elements to Be Added

New Brunswick has more than 40 years of experience in official languages. We know our strengths and weaknesses in that area. We know all about the opportunities to be seized, the challenges to be met, and the pitfalls to be avoided. We would therefore expect that an official languages strategy would build on that considerable experience. However, a reading of the document does not lead us to that conclusion. Some key elements must be added to the strategy.

Review and Approval of the Departments' Action Plans

According to the strategy, each government department and agency will have to develop and implement its own action plan. That is a logical approach since the departments each have different missions and clienteles. It also enables departments and agencies to take ownership of the strategy. However, experience has taught us that the application of the OLA cannot be based solely on people's goodwill.

We believe the strategy gives the departments too much leeway when it comes to choosing means and a time frame. In the past, that approach has produced timid measures and very unequal progress. For that reason, we believe the action plans should be reviewed and approved by the strategy's coordinating body.

Centralized Direction in Certain Areas

"All departments and agencies will organize an awareness campaign on the use of the two official languages for their employees" (p. 16 of the strategy).

Some of the means set out in the strategy, such as information and awareness campaigns, should be developed by the coordinating body and then implemented by each department. Asking each department and agency to develop its own campaign could produce mixed and unequal results. In addition, it will lead to needless overlapping of efforts. Furthermore, we believe that a centralized direction is necessary in order to deal with organizational cultures that do not attach sufficient importance to the *Official Languages Act*. The fact is that certain departments and agencies need coaching and encouragement to overcome certain challenges.

Shorter Implementation Period

"Over the three years of the strategy, the government will establish a mechanism to satisfactorily evaluate the overall progress made in the province and to proceed with an enlightened review of the Act and the development of its next strategy" (p. 19 of the strategy).

To us, this three-year time frame is too long. Intermediate time frames and targets should be set now for several of the general measures set out in the strategy (review of linguistic profiles, awareness campaigns, etc.).

As for language of work, it is stipulated that the government will have to extend its activity over more than three years in order to fully achieve its objective. In our opinion, setting such a time frame is the same as not setting one at all. The only incentive for action is absent. Consequently, the measure loses its binding characteristic.

Collecting Data to Measure Progress

It is essential that the government collect data so it can measure the progress of official languages in the province. Moreover, the lack of reliable data in this area helps to fuel myths about official bilingualism.

The strategy should make provision for the realization of two surveys: the first for evaluating language-of-service quality (sufficient staff, language skills, service quality), and the second for determining to what extent government employees are able to work in their language of choice. The results of these new surveys would serve as benchmarks for measuring progress at the end of 2012-2013.

Embracing Change Through Innovative Measures

Upon reading the strategy, one gets a feeling of déjà vu. Several of the measures are actually existing obligations. For example, Focus 2 - Language of Work repeats almost all of the elements already found in the Language of Work Policy.

We understand that the strategy has to repeat existing elements of the OLA and the Language of Service and Language of Work policies. However, the very nature of this strategy requires innovative measures that will

set the tone and ensure significant progress. For example, the provincial government could incorporate the following measures into its strategy:

Language of Service

- Pair employees who have taken language training with a mentor who will help them practice their new linguistic skills in the workplace.
- Implement a standardized language-of-service assessment in all institutions. The results will be published in the annual reports.
- Introduce a bilingualism bonus for employees who achieve and maintain an advanced level of proficiency (3) in their second official language.
- Evaluate the proficiency of employees holding a bilingual position at regular intervals.

Language of Work

- Designate all deputy minister and assistant deputy minister positions as bilingual, except for those attached to the Department of Education.
- Designate bilingualism and knowledge of the OLA as important assets in all government competitions, if they are not already a condition of employment. (This measure would not apply wherever duality exists.)

Promotion of Official Languages

- Create an Official Languages Day in New Brunswick.

- Establish the Premier's Official Languages Award within the civil service.
- Implement an exchange program between Anglophone and Francophone civil servants. This initiative would enable Anglophone employees to work temporarily in a Francophone region of the province and vice versa.
- Centralize and increase the budget for language training for civil servants.

Knowledge of the Official Languages Act and Other Obligations

- Disseminate official languages information capsules to all government employees. Topics would include OLA obligations as well as tips and advice concerning language of work.

An Opportunity Not to Be Missed

The adoption of a provincial OLA implementation strategy might well be a determining step in advancing the real equality of our two languages. The strategy must therefore contain all of the elements necessary for its success. In our view, the document that we have examined needs to be improved in order to achieve that goal. If the New Brunswick government truly wishes to attain the strategy's objectives, it needs to set itself up for success.



Language of commercial signage in Dieppe

Commissioner Participates in Public Consultations

The City of Dieppe is the first New Brunswick municipality to enact a by-law on the language of commercial signage. Although the *Official Languages Act* does not apply to this sector, the Commissioner saw fit to participate in the public consultation preceding the by-law's adoption. For the Commissioner, it is important that any regulation dealing with language of signage fully comply with the principle of equality of the two linguistic communities. Only then, he believes, will it be able to inspire other municipalities to act so that commercial signage in their communities better reflects the values at the heart of the *Official Languages Act*. Below are the comments that the Commissioner shared with the Dieppe City Council.

On November 9, 2009, the Dieppe City Council proceeded with the first reading of municipal by-law Z-22, which regulates the language of exterior commercial signage in Dieppe. This was a first in New Brunswick: no municipality had ever legislated in this area before.

New Brunswick's *Official Languages Act* does not apply to the private sector, and consequently, commercial signage is excluded from its scope. However, the topic is of great interest to us. In fact, it touches on some fundamental questions that are at the heart of the *Official Languages Act* and *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*.

The By-law

For several years, the City of Dieppe has made considerable efforts to have commercial signage reflect its linguistic reality more closely, especially since 75% of Dieppe's residents are Francophone. Those awareness efforts have borne fruit, as shown by the results of a study conducted by a committee set up to promote the French language and heritage in Dieppe. However, the municipal council considered it preferable to opt for "a more direct route to equality via the use of signs in both official languages," as the City explains in a circular that it sent out to Dieppe merchants.

By-law Z-22 provides that the descriptive content of any new exterior signs will have to be bilingual or French. It should be noted that the business name is not affected. Moreover, the by-law will not apply to current exterior signs unless they are altered or relocated.

Awareness Raising or Regulation: A Common Objective

While awareness raising seems to have reached its limits in Dieppe, that does not mean it is not a viable option elsewhere. In other communities, it can be an effective engine of progress. In that regard, a major initiative has been undertaken by the Association francophone des municipalités du Nouveau-Brunswick. Entitled *Notre paysage linguistique* [Our linguistic landscape], this program relies mainly on an awareness-raising approach combined with incentives.

Whether the method used is awareness raising or regulation, the objective when it comes to language of signage is the same: give French its rightful place. This is not only a question of respect, for the very vitality of the language is at stake. It is generally acknowledged that a linguistic landscape in which English dominates is an assimilation factor. And with good reason: in such circumstances, English is seen as the dominant language, which strengthens its draw. Also, unilingual English signage indicates that French is a secondary language, and thus less pertinent, less important. It is easy to imagine the devastating effect that may have on young Francophones and their cultural identity. Moreover, what about immigrants who arrive in a city where the signage is in English only? Can we expect them to want to learn French?

The vulnerability of the French language in North America is not in question. The ever-present threat of assimilation is there to remind us of it. The Supreme Court of Canada recognized this fact when it ruled on the signage issue a few years ago. It is interesting to note that Francophones and Anglophones have different perceptions regarding the future of the French language. A recent survey by Continuum Research

indicates that 55% of Francophones feel that the future of the French language is threatened, whereas only 22% of Anglophones share that view. Those percentages show there is a need to better explain the significant challenges confronting the French language.

Equality and Duality

The first part of the text of By-law Z-22 is very interesting, because it contains several references to the equality of New Brunswick's two linguistic communities. It is therefore understandable that some were surprised to find that the by-law provides that signage may be in French alone. These people asked themselves, "Wait, aren't English and French equal in our province?"

According to the information we obtained, the option of French-only signs is intended to take into account organizations that offer their services exclusively in French, such as a newspaper or a radio station. It is therefore not designed to force organizations or businesses that serve only one community to become bilingual.

The option of French-only signs in Dieppe seems to be inspired by the legal framework (*Canadian Charter of Rights and Freedoms*, legislation, court judgments) governing the promotion and protection of linguistic minorities. Obviously, a minority linguistic community will try to take advantage of these legal protections to preserve and promote its language and culture. We should also mention the contribution of *An Act*

Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick. That legislation provides that the two communities are entitled to distinct institutions within which cultural, educational, and social activities may be carried on.

We believe that the City of Dieppe could take these same principles into account in allowing unilingual English signage in the case of businesses or organizations that exercise a cultural mission within the Anglophone community in Dieppe. Examples might include a local newspaper or an independent bookstore. Such a measure would not detract from the objective pursued by By-law Z-22. Furthermore, it would clearly show that the City of Dieppe is not trying to diminish the status of English or retaliate against the Anglophone community, as some have implied. It would thereby be obvious that the intention is to treat both linguistic groups the same, while offering the Francophone community an important tool for its development and growth. Consequently, By-law Z-22 would be considered a necessary measure in this quest for real equality and could in a way encourage other municipalities in the province to deal with the issue of commercial signage in a more proactive fashion.

We understand the City of Dieppe's objectives with regard to the language of signage. Our comments seek to ensure that By-law Z-22 achieves the hoped-for goals and at the same time adds to the efforts to promote the equality of our two official languages throughout the province.



Adoption of an Amended By-law: the Commissioner Reacts

On May 25, 2010, the Dieppe City Council adopted an amended by-law on the language of commercial signage. That by-law prescribes bilingualism for new or altered signs while permitting French or English unilingualism for organizations with a cultural or educational mission. In addition, it provides that the French text must appear first on bilingual signs.

In a press release, the Commissioner noted "that the Dieppe City Council has adopted a balanced by-law on commercial signage. The by-law ensures that French is given its rightful place, reflects the city's Francophone

character, and respects the principle of the equality of our two official languages."

The Commissioner encourages the province's other municipalities to work with their business community and citizens to ensure that commercial signage reflects the values at the heart of the *Official Languages Act*. "A language's vitality is closely associated with its place on the public stage. Commercial signage can and must contribute to the dynamism of our two official languages," concluded the Commissioner.



Government Signage

Ensuring the development of the French language on the North American continent is a constant challenge. Given that fact, it is important to act on all levers of a language's vitality. Government signage is one of those. In March 2010, the Commissioner recommended that the provincial government adopt a policy on government signage that complies with the principle of equality of the two official languages while reflecting, in the positioning of the English and French words, the linguistic reality of the regions.

According to section 29 of the *Official Languages Act* (OLA) of New Brunswick, "Institutions shall publish all postings, publications and documents intended for the general public in both official languages." Road signs (including tourism signage), signs in front of government buildings, and signs within government offices are all examples of government postings. In general, this signage complies with the OLA. However, it has been noted that the order of presentation of the two languages generally favours English, even in predominantly Francophone regions: English is to the left or on top, French on the right or bottom.

Given that we read from left to right and top to bottom, the current order of presentation does not help to promote the French language. Although certain graphic layouts are logical owing to syntax (e.g., Ch. Mazerolle Rd), an order of presentation that favours English in predominantly Francophone regions seems inappropriate, because it does not reflect the linguistic reality.

In a letter dated March 26, 2010, the Commissioner recommended to the Premier that the Province adopt a

balanced government signage policy that fully complies with the principle of equality of both official languages and at the same time takes into account the regions' linguistic reality.

Under this new policy, all signs produced by an institution subject to the OLA should give both languages equal prominence while reflecting the region's linguistic reality. Accordingly, in predominantly Anglophone regions, English would be to the left and French to the right. In predominantly Francophone regions, French would be to the left and English to the right. In all other regions, the positioning would alternate between the first two options in order to reflect the equality of the two languages. Moreover, the two official languages should appear side by side, and not one below the other. An over-and-under format would be permitted only when the physical space is inadequate, and, where appropriate, the order of presentation should reflect the region's linguistic reality. Obviously, in order to avoid high replacement costs, this policy could be implemented as the existing signage is replaced or altered.



Reform of the New Brunswick Health System

Changes Made, Lawsuit Withdrawn

On April 8, 2010, Premier Shawn Graham and Minister of Health Mary Schryer announced a series of measures intended to respond to the concerns raised by the reform of the province's health system. The following day, Égalité santé en français announced that it was withdrawing its lawsuit against the provincial government. Thus ended a complex and very polarized legal debate. The Commissioner notes that several of the government's measures echo what he and other stakeholders had already recommended. In his view, this long legal debate could have been avoided.

Throughout 2009, the legal challenge launched by Égalité santé en français against the provincial government continued to make headlines. According to that organization, the reform of the health system violated the Francophone community's right to manage its own health system.

While it seemed that the two parties would have to settle their dispute in court, in December 2009, the Premier announced a public consultation designed to identify ways to improve health-care services. Gino LeBlanc, an associate researcher with the Canadian Institute for Research on Public Policy and Public

Administration, was tasked with heading up the consultation. In early April 2010, Mr. LeBlanc's report, containing 14 recommendations, was tabled in the Legislative Assembly.

Following negotiations between the provincial government and *Égalité santé en français*, the Premier and the Minister of Health announced some significant changes to the reform. Based on Mr. LeBlanc's recommendations, the government's announcement involved legislative changes to the *Regional Health Authorities Act*. Those changes specify that:

- Regional Health Authority A operates in French, and Regional Health Authority B operates in English;
- the two regional health authorities are responsible for improving the delivery of health services in French;
- the two health authorities ensure the delivery of health services to members of the public in the official language of their choice.

The government also announced that it intended to introduce legislation in a future legislative session to enable the election of more than half of regional health authority board members through general elections beginning in 2012. It further stated that a five-year action plan would be developed to ensure an equitable distribution of health-care services between the province's two health authorities.

As a result of those changes, *Égalité santé en français* announced that it would end its legal challenge.

Commissioner's Actions since 2008

Shortly after the announcement of the health system reform in 2008, the Commissioner of Official Languages wrote to the Minister of Health in order to suggest some changes. In particular, he supported the proposal that the two health authorities be formally designated on the basis of language. Moreover, he

recommended that the two authorities adopt a plan for implementing the *Official Languages Act* to ensure they complied fully with all of their linguistic obligations. He also put forward recommendations concerning the non-clinical services agency (now Facilicorp NB) and the New Brunswick Health Council.

In the case of the non-clinical services agency, the Commissioner wrote:

"It must be also clearly established that [this agency] must offer all of its services in the language of choice when dealing with the RHAs, their employees, the health establishments and the employees of those establishments. In other words, it must be clearly indicated that those services and communications provided by or emanating from this agency are subject to the OLA requirements as outlined in sections 27, 28, 28.1, 29 and 30."

With regard to the New Brunswick Health Council, the Commissioner wrote:

"The mandate of the NB Health Council must clearly contain the obligation to ensure that all their deliberations, recommendations and actions reflect and be inspired by the language rights contained not only in the OLA and the *Act Recognizing the Equality of the two Official Linguistic Communities in New Brunswick* but as well by the rights contained in the *Canadian Charter of Rights and Freedoms* as interpreted by our Courts."

Conclusion

The legal debate came to an end following government changes that echoed what several stakeholders had already recommended. In many regards, the Commissioner believes that this long conflict could have been avoided.



Other interventions from the Commissioner

For a Bilingual Judge for the Provincial Court in Miramichi

In August 2009, the Commissioner learned that Judge John Walsh of the Provincial Court in Miramichi had been appointed to the Court of Queen's Bench in Saint John. He wrote to the Minister of Justice and Consumer Affairs and Attorney General to ask that a bilingual judge be named for the Provincial Court in Miramichi.

In his letter, the Commissioner wrote:

"As you know, since the closure of the satellite court in Neguac, a larger number of francophones have had to go to the Miramichi Courthouse. In addition, the announced closure of the Provincial Court in Richibucto will only increase the demand for French-language services at that facility. Given those two elements, I feel that Judge Walsh's replacement should be bilingual."

On October 1, 2009, John Friel was appointed as the Provincial Court judge in Miramichi. Judge Friel is fully bilingual and will preside over trials in English and French.

Planned sale of NB Power assets to Hydro-Québec Commissioner Calls for More Guarantees

On October 29, 2009, Premiers Shawn Graham and Jean Charest unveiled a memorandum of agreement dealing with the sale of most of New Brunswick Power's assets to Hydro-Québec.

The Commissioner immediately began reviewing the document. He was delighted at the presence of an article stipulating that the new Hydro-Québec subsidiary in New Brunswick would be subject to the *Official Languages Act*. However, he considered that the final agreement between the two provinces would require more detailed guarantees. In fact, the Commissioner felt that the application of the

OLA could be called into question should the Hydro-Québec subsidiary in New Brunswick be split up or use subcontractors. As a result, the Commissioner recommended that the *Official Languages Act* apply to the production and distribution of electricity regardless of the nature of the entity providing those services.

In the end, no agreement was reached between the New Brunswick and Quebec governments regarding this planned sale.

New Brunswick Internal Services Agency An Opportunity to Promote Official Languages

In spring 2009, the members of the Legislative Assembly began reviewing a bill to establish the New Brunswick Internal Services Agency. That agency's mission is to provide common services to the provincial civil service.

Although the *Official Languages Act* applies automatically to the new agency, the Commissioner believes that the bill should have contained additional details concerning official languages in order to further promote their use within the provincial civil service. The bill states that the Agency must "identify, promote and implement best practices for the delivery of services by the civil service." The Commissioner feels that the bill should have contained a provision stipulating that the Agency must develop exemplary practices designed to encourage equal use of the two official languages within the civil service.

The Commissioner's suggestions were not incorporated into the bill. However, the Commissioner met with the Deputy Minister responsible for the Agency in order to make her more aware of the key role that will be played by this new agency in terms of language of service and language of work.

Radio-Canada's Réseau de l'information Commissioner supports the efforts of the Société nationale de l'Acadie

A comparative study of the 10 p.m. television newscasts of CBC and the Société Radio-Canada shows that the number of items from the Atlantic provinces is markedly higher on CBC than on Radio-Canada, by a ratio of 3 to 1.

The study, conducted by the Research Chair in Acadian Studies at the Université de Moncton, focused on four weeks (28 days) from January 18 to February 14, 2009. Percentage-wise, CBC devoted 4% of its total coverage to the Atlantic provinces, whereas that figure was only 1.4% for the SRC.

A few days after those results were released, the Société nationale de l'Acadie (SNA) sent a letter to the Commissioner, asking for his support.

In his reply to the President of the SNA, Françoise Enguehard, the Commissioner wrote:

“Certainly, this analysis deals with only one element of national programming. However, I believe that the results obtained help explain a fairly widespread perception about the national programs of the Société Radio-Canada: the limited presence of Francophone communities outside Quebec. Yet, section 3 of the *Broadcasting Act* states that the programming provided by the Corporation should in particular:

- (ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions;
- (iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities,
- (vi) contribute to shared national consciousness and identity.

The vitality of a language depends in part on its presence and recognition on the public stage. Clearly, the limited representation of Francophone communities outside Quebec in national programming detracts from that vitality. I therefore wish to support your efforts to ensure that the national programs of the Société Radio-Canada better reflect the diversity of the Canadian Francophonie.”

Partially Unilingual Directories Commissioner shares his concerns with the Yellow Pages Group

In February 2010, a number of residents of northern New Brunswick contacted the Office of the Commissioner of Official Languages regarding the new edition of their telephone directory, complaining about the unilingualism of the cover page and a new section of the directory, the EcoGuide.

New Brunswick's *Official Languages Act* does not apply to private-sector companies, so the Commissioner was unable to conduct an investigation of the matter. However, in accordance with his mandate to promote the advancement of official languages, he contacted the Yellow Pages Group to express his concerns about this incident. Here is an excerpt from that letter:

“By adopting the *Official Languages Act* in 1969, New Brunswick formally recognized the need to reflect the province's linguistic reality and to support the efforts of the French-speaking community to develop its language and culture. In my view, the business community has an important role to play in this major societal undertaking by ensuring equal treatment for both official languages.

Although some New Brunswick regions are predominantly Anglophone and others predominantly Francophone, members of both linguistic communities are spread all across the province. As a result, private-sector companies have much to gain from opting for bilingualism in general communications with their clientele and respecting the client's language in personalized communications.

In your letter of March 10, 2010, you indicated that the situation had been rectified and that the directories would henceforth be entirely bilingual. Moreover, you reaffirmed your company's commitment to bilingualism in the production of directories in New Brunswick. We find those statements reassuring.

I trust that the distribution of partially unilingual directories is in fact an isolated incident and that the Yellow Pages Group will make every effort to ensure that such a situation does not occur again.”



Conference Proceedings

Shaping Our Future with Two Languages

On the occasion of the 40th anniversary of the *Official Languages Act*, the Office of the Commissioner organized the conference *Shaping Our Future with Two Languages*. Close to a hundred persons, from all backgrounds, attended the event, held on November 24 and 25, 2009, in Fredericton. This activity had two objectives: firstly, to gain a better understanding of people's perceptions and attitudes toward official languages, secondly, to explore new avenues for promoting the use of English and French in the province. The subject might have seemed sensitive, even controversial. However, the exercise revealed that New Brunswickers are much more at ease with this question than might have been thought.

The conference brought out the progress achieved over the past few decades in terms of official languages while highlighting the challenges that continue to exist. Among other things, it appears necessary to increase the amount of interaction between the two linguistic groups, improve the teaching of second languages, and better explain the rationale for duality. Here is an overview of the presentations made by the speakers as well as a summary of the interactions between participants.

40 years of Official Languages : How are we doing?

Two renowned authors, Herménégilde Chiasson and John Ralston Saul, opened the conference with a fascinating conversation during which a number of topics were discussed: language, culture, education and society. Many were in agreement that this conversation was the highlight of the conference. Afterwards, Richard Myers and Antoine Landry led a question-and-answer session that gave the participants the opportunity to interact with the two speakers.

John Ralston Saul **Excerpts (Verbatim):**

"There is no question in my mind that this experiment with real bilingualism, Robichaud, Hatfield, experiment was very, very important for Canada as well as for New Brunswick. (...) I don't know if you realize the extent to which doing this here was central to the country re-thinking itself.

If there is no body in the clothing, what's the language? If education isn't filled with literature, filled with meaning, filled with philosophy, filled with political experience and filled with local reality then it's just, just language. (...) I believe in culture and culture

expresses itself through language and there's an astonishing opportunity I think with the experiments and the experience here to do something quite different through French, through English and then the two in different ways together."

Herménégilde Chiasson **Excerpts [Verbatim translation]**

"The aboriginal peoples show the only in-depth knowledge and the only really visceral knowledge of this space. We, for all practical purposes, are still immigrants, and still full of complexes when it comes to Europe."

Speaking about the issue of the cost of bilingualism:

"The first argument that will be brought up is that it will be expensive. Everything is expensive. The pyramids were expensive; people built them because they believed it was the right thing to do. I think there is a price to be paid for living together, and I believe that price should be costed in relation to curiosity, in relation to quality of life, in relation to a richness that must be defined in some way other than by money."

Official Languages : Perceptions and attitudes

Joseph Yvon Thériault

Holder, Canada Research Chair in Globalization, Citizenship and Democracy, Université du Québec in Montréal

Joseph Yvon Thériault began by commenting on the results of the survey conducted by Continuum Research. While recognizing that the situation is positive overall (support for bilingualism, improvement of relations between the two groups, provision of services in language of choice, etc.), he believes that not everything has necessarily been resolved. Assimilation continues to exist, the exodus of francophones to other provinces is a challenge, and separate institutions for each community are still at issue.

The speaker went on to paint a portrait of the evolution of relations between the two linguistic communities in New Brunswick since the 1960s. The inequality between the two groups and a desire for independence on the part of the francophone community gave rise to major changes in those relations. The official languages legislation and the concept of duality in education all bear witness to that evolution.

According to Mr. Thériault, over time, the legal dimension has become the main tool for defining the relations between the two communities. The sociologist is concerned about that, because he believes that political debate is necessary to conclude social pacts.

Excerpt (Verbatim translation):

“It can be said nonetheless that, over time, the legal dimension has become the main tool for defining relations between the two communities, between the majority community and the minority community. Over the past 10 years, it is in that field, rather than in that of politics, that the francophone minority communities have tried to acquire new rights and more duality. (...)

I have always expressed doubts about the legal turn that relations between the linguistic communities have taken (...). Such a shift leads to judicialization; that is, judicialization depoliticizes relations between the communities; it tends to make linguistic recognition a right, an obligation, and not a political pact, recognized and negotiated by the two communities. Judicialization is a tool that, in my view, is poorly adapted to a policy of recognition. The law separates true from false, good from evil, right from non-right. It is poorly adapted to the nuances of relations between communities. Judicialization takes the heat out of political conflicts and transforms them into the rule of law. For many, that is not a problem; but political life, to be productive, needs a certain amount of passion. Judicialization levels everything down, it tends to make a court decision the highest level to which the government is prepared to go. (...)

I am not calling into question the scope of political legislation. I said at the outset that the *Official Languages Act* had changed the power relationship between New Brunswick's linguistic communities in an interesting way. I am simply saying that these laws have a greater chance of being accepted if they are the result of a compromise, a political pact, than if they are imposed by the courts.

If there is any particular concern that emerges from the survey that has just been presented, it has to do with the whiff of political appeasement, the avoidance of conflict surrounding linguistic issues that have not yet been resolved. Appeasement that could signify that very difficulty of transforming societal issues politically and reliance on the courts to impose solutions on us.”

“If New Brunswick can’t make bilingualism work, what hope is there for us?”

Comments from a Catalan professor to Donald Desserud

Donald A. Desserud

Associate Dean of Graduate Studies and Political
Science Professor
University of New Brunswick, Saint John

Donald Desserud presented the results of the Social Capital Survey that was conducted in 2003. That survey dealt with social and civic attitudes and beliefs. It was meant to verify the Social Capital theory. This theory suggests that communities where citizens are closely engaged in their community have strong economies and dynamic governments.

New Brunswick is certainly known for its strong community involvement. But it seems that the strong economy component is questionable. Why is the Social Capital theory not working in New Brunswick? Is it because New Brunswick has two linguistic communities? A survey was conducted to determine whether the two communities were different when it comes to social/civic attitudes and beliefs.

Are New Brunswick’s two linguistic communities united or divided? The survey results show that they are more united than one might think. In fact, the two groups shared similar opinions in numerous areas:

- language and political orientation,
- identification with community, province, and country,
- role of government,
- general attitudes concerning society.

Among the results conveyed by Mr. Desserud, those with respect to conflicts between the two linguistic groups are particularly interesting.

A majority of Anglophones (74%) and of Francophones (64.3%) believe that the two linguistic communities will always be in conflict. However, within the two groups (65% of Anglophones and 84.8% of Francophones), it is felt that the top priority of government should be to ensure harmonious relations between the two communities.

After presenting the results of this survey in detail, Donald Desserud underscored the originality of New Brunswick’s bilingualism initiative by relating an experience he had in Spain in 1997.

After Mr. Desserud had given an address at the University of Barcelona, a Catalan professor asked him if the Confederation of Regions (COR) political party had retained its official party status following the last provincial election. Quite a surprising question, to be sure! The Catalan professor explained that the Catalan community was very interested in the New Brunswick situation and that the arrival of the COR party with its policy of opposition to official bilingualism was a source of concern for them. The professor summed up his fears as follows: “If New Brunswick can’t make bilingualism work, what hope is there for us?”

Richard Clément

Director, Official Languages and Bilingualism
Institute and Vice-Dean of the Faculty of Arts,
University of Ottawa

The speaker described the main elements that must be taken into consideration when trying to create a corporate culture, particularly a bilingual organizational culture. A corporate culture is what distinguishes one organization from another, what characterizes it or gives it a brand image.

When it comes to a culture of bilingualism, the following three factors or challenges must be taken into account:

1 Linguistic duality vs. bilingualism

It is necessary to establish a distinction between linguistic duality, or the capacity of organizations to provide services in both languages, and bilingualism, which refers to the integration of both languages in all functions of the organization, at both the individual and the operational level.

2 Institutional completeness and intergroup contact

It is difficult to create a bilingual culture if the two linguistic communities do not speak to each other. Intergroup contact is often deficient.

3 Opposition between the globalization movement and the minorities conservation movement

The belief that globalization will lead to the dominance of English is widespread. However, there is a very strong movement in response to globalization and the growing influence of English. Europe's efforts aimed at protecting regional languages are one example of that. Furthermore, some believe that the English language risks fragmenting upon contact with other languages, such that it would no longer be possible to speak of a single English language, but rather various dialects of that language.

Different approaches to organizational culture

The speaker indicated that there are several philosophies with regard to corporate cultures.

- Mechanistic: Culture is considered a productivity tool.
- Humanist: Culture based on the valuing of individuals.
- Systemic: Organizational culture is only one unit within a set of related units – management units, production unit, etc.
- Political: An organizational culture serves to promote the values of the organization's leaders – it becomes the subject of a power struggle.
- Cultural: The goal of this organizational culture is to transform the symbols, beliefs, and values shared by the organization's members. A similar culture in terms of bilingualism would mean that all members of the organization adhere to individual bilingualism and institutional bilingualism.
- Cognitive: The cognitive approach rests on a series of learnings that promote the implementation of the cultural approach.

Characteristics of a cultural approach

The cultural approach is characterized by a series of principles, such as:

- Precedence of action: The development of this culture does not rest on a policy statement or statement of principles but rather on concrete actions that are taken first by the organization's leaders. These actions will become models to be followed and then values. In other words, through action, values are developed.
- Emphasis on persons: Each person is expected to develop the aspects of the culture that are desired.
- Culture of tolerance: People are expected to develop the various aspects of the culture in their own way as long as the fundamental goals are reproduced.
- Self-investment: The value is not only institutional, but individual.
- Inspiring leadership: The example is given first by the leaders.

“Are we ready to accept that bilingualism is part of the basic skills of managers?”

Richard Clément

Next, Richard Clément addressed the notion of bilingualism. In that regard, he quoted Fishman, a sociologist of language.

“...ethnicity (cultural identity) represents an avenue whereby understandings of ‘the world at large’ are arrived at, that is to say, through ethnicity, ordinary individuals are not only linked to collectivities – and social integration is attained thereby – but to notions of ‘life’, ‘society’, and ‘the world’ as well.”
Fishman, 1977, p. 16

For Richard Clément, Fishman marks the link between ethnic identity and language. According to the speaker, this link seems nonexistent in several Canadian bilingualism programs. In other words, the issue of bilingualism is treated solely as a matter of second language learning.

The speaker wonders, was bilingualism not supposed to contribute to social cohesion? It has been forgotten that bilingualism must be built on harmonious relations between communities, and if those relations do not exist, neither will bilingualism. In that regard, Richard Clément mentioned the European Union’s languages program entitled *For Social Cohesion*.

Prejudice and intergroup contact

To create a bilingual institutional culture, you first have to deal with any conflicts that may exist between the two groups. In most cases, access to resources, or rather, the impression that one group benefits more from resources than another group, is the core of the conflict. This conflict may even become an element of individual or collective identity.

Intergroup contacts are the antidote to these erroneous perceptions. However, these contacts must rest on cooperation rather than competition. They must be close rather than distant. They must also be egalitarian and established in a climate that favours tolerance. Contacts make it possible to manage anxiety in relation

to the other – the person speaking the other language – and thereby make it possible to increase the individuals’ linguistic confidence.

How to achieve a culture of bilingualism

Bilingualism must first be a shared value rather than a rule or a response to a policy established by some authority. It must not be perceived as a generator of discrimination between people, but rather a basic skill in a bilingual context. The leaders must resolutely create an environment that values bilingualism, in particular through recruitment and staffing, training and evaluation, and the promotion of bilingualism. The strength of the commitment to creating such a culture of bilingualism can be determined by the answers to several questions, notably:

- Are we ready to accept that bilingualism is part of the basic skills of managers?
- Are we ready to accept that employees receive mandatory training on official languages?

Richard Clément emphasized that a culture of bilingualism must also protect the minority language. He mentioned the insidious trap of conversation. Conversation has its own rules of engagement, and francophones must be aware of that to avoid the reflex of switching to English.

The speaker concluded by stating that young people are the backbone of a culture of bilingualism. In that regard, education, awareness raising (including within the family), and contacts between the two linguistic groups play a central role in promoting the development of positive attitudes toward bilingualism.

Round Table on Bilingualism and Duality

The round table brought together the morning's speakers and the following four persons:

- Christiane D. Guérette, Executive Director, Stan Cassidy Foundation
- Elisabeth Crener, Head of Information Programs, Radio-Canada Acadie
- Jordan Graham, university student and municipal councillor for the City of Fredericton
- Philip Lee, author and associate professor of journalism, St. Thomas University

The round table participants were asked to respond to various questions, in particular:

- Have attitudes and perceptions regarding official languages evolved over the last 40 years? If yes, what influenced them?
- The *Official Languages Act* targets equality of status and use of English and French. Have we achieved that equality?
- Do you believe that the concept of equality is understood in the same way by the two linguistic communities?
- How can our official bilingualism be turned into an economic and social asset?

The discussions during this round table were wide-ranging. The following is merely an overview of what was discussed.

Progress of French in New Brunswick

Everyone recognized the progress achieved in terms of official languages in the province. One anglophone participant explained that French was a private language in the 1960s – it was very seldom heard in public spaces. That is no longer the case today.

The affirmation of francophones no doubt constitutes the most important progress factor. Other factors were emphasized: legislation and language policies, court decisions, the role of the media, and a global context that attaches greater value to cultural diversity.

Perceptions

The participants recognized that it is easier for the two linguistic groups to speak to each other today. Mention was made of the considerable work accomplished through the years by Dialogue New Brunswick. However, much remains to be done. The two linguistic communities do not know each other very well (they coexist rather than live together). For example, few anglophones are familiar with the hit songs of New Brunswick's francophone artists. One participant believes that francophone journalists should work in anglophone press rooms, and vice versa. That would result in journalistic coverage that better reflects the situation of the two groups.

The risks associated with isolation of the two communities were raised. "Are we not experiencing only half of what this province has to offer living in New Brunswick without knowing the other language?" asked a participant.

An anglophone professor said he was surprised by the fact that young anglophones feel they are being magnanimous by speaking French with francophones; it seems that they do not understand the notion of linguistic equality.

Equality

It is difficult to talk about equality without agreeing on what the word means. Some believe that equality consists in being treated in the same manner, whereas others believe that it consists in being recognized for what you are (which implies that a community's particular situation is taken into account). And how is equality between two communities measured? The consensus was that progress has been made but that New Brunswick has not yet achieved complete equality.

One francophone participant's take on the issue was that there is no equality between francophones and anglophones in terms of access to information. Francophone journalists have difficulty finding francophone resource persons during government press conferences. While it is possible for an anglophone journalist to pursue a career in New Brunswick without speaking French, the reverse is not the case for a francophone journalist, according to one anglophone participant.

“Are we not experiencing only half of what this province has to offer living in New Brunswick without knowing the other language?”

A participant

The perception that francophones have an advantage on the job market still exists. Moreover, one participant in the room mentioned that the appointment of unilingual English judges in the province is totally contrary to the spirit of the *Official Languages Act* and therefore to the principle of equality.

Use of French

Reportedly, a large number of francophones choose to respond to surveys in English. How can that behaviour be explained? There does not seem to be a single reason for that situation. One participant mentioned that assimilation was very much present in his community, despite the progress achieved by French.

An anglophone added that he is always surprised by the fact that francophones answer him in English when he speaks to them in French.

Official Languages as Assets

According to the results of a survey conducted by Continuum Research, a majority of New Brunswickers believe that bilingualism is an economic asset for the province.

Could New Brunswick not develop a language industry (interpretation, translation), given its bilingual status and its expertise in the field?

Workshops: How to better promote our two official languages?

In the afternoon, the conference participants were asked to answer the following question:

- What can we do to better promote full recognition and use of our two official languages, both by the general public and by government organizations?

To do this, four groups of about 20 persons each were formed.

Although the measures proposed by the participants are quite varied, a number of them are targeted towards young people – the future of official languages – and the education system. The government certainly must step up efforts in order to promote English and French more effectively. However, several measures point to each citizen’s responsibility in this regard. The discussions also illustrated the need to better explain the purpose of duality in education. Indeed, some see duality as an isolation factor that impedes better understanding between the two communities and promotion of bilingualism.

What follows is a summary of the participants’ comments and suggestions.

Placing the emphasis on young people; starting in the schools

- It was noted that young anglophones do not have sufficient opportunity to speak French and that they quickly lose what they have learned. These young people need to be able to have experiences in French outside the classroom in order to gain confidence.
- Instruction should focus not only on the language but on the whole culture that goes with it (living the experience). This would provide a much more solid foundation to spark and maintain interest in the other language.
- The participants believe that there must be more opportunities for interaction between anglophone and francophone students, particularly through sports and cultural activities. That interaction would give students more of a chance to speak their second language.

It was suggested that schools should issue a bilingualism certificate in the same way as a high school diploma.

Workshop Suggestion

- It was mentioned that the linguistic insecurity among certain young francophones causes them to tend to speak English with young anglophones.
- Some suggested that French second language instruction be completely revised such that students become truly proficient in the language.
- Efforts also need to be made to increase proficiency in English among francophone students in certain parts of the province.
- There must be more promotion of the advantages of bilingualism; it must be explained that bilingualism broadens horizons and does more than merely improve one's chances of finding a job.
- It was suggested that schools should issue a bilingualism certificate in the same way as a high school diploma.
- The French immersion program should be more oriented towards the pursuit of a post-secondary education in French.
- Textbooks should put more emphasis on the contribution of the anglophone and francophone cultures to the province.
- It was suggested that the European language passport concept be adopted.
- There should be more promotion of bilingualism in the schools.
- Young people must be made aware of their language rights and the importance of requesting services in their language. Some even suggested that a course on official languages be developed.
- It was recognized that more use must be made of new technologies (e.g., a new portal to which students in both sectors have access).

Changing attitudes

- It was mentioned that francophones often tend to switch to English when in the company of anglophones, even if the latter are speaking French. The origin of this behaviour is quite varied: simple

politeness, the desire to be accommodating, historical reasons (French language not valued, private aspect of the language). Needless to say, this behaviour creates some confusion among anglophones over the relevance of promoting French. This widespread behaviour also undermines the efforts made by anglophones to learn French.

- Citizens must be encouraged to request services in their language.

Valuing all skill levels

- The participants believe that bilingualism can be fostered by doing more to promote partial skills. We tend to value only total bilingualism and to consider intermediate levels as limitations. However, receptive bilingualism should be seen as a springboard rather than as an obstacle.

Increasing interactions between the two linguistic communities

- Dialogue NB should obtain more resources for fulfilling its mandate.

Learning the other official language throughout life

- It was mentioned that post-secondary institutions offer few opportunities to become more proficient in the other official language.

Placing more value on bilingualism

- Bilingualism should be celebrated more, specifically by emphasizing common points, resemblances between the two linguistic communities.
- An information campaign to explain the *Official Languages Act* and dispel the myths surrounding official bilingualism should be conducted. Awareness campaigns are ubiquitous, but there is nothing concerning official languages.

- It was suggested that bilingualism successes be published, for example, on a website.
- Tourism ads in New Brunswick should promote the province's bilingual character.
- There was criticism of the fact that immigrants are not given the option of choosing French school for their children.
- Bilingual commercial signage is one way of recognizing New Brunswick's unique character.

Culture

- Efforts should be made to better integrate the two linguistic communities at major cultural events.
- The works of our artists should be translated into the other official language.

Within government and other institutions

- Deputy ministers should be bilingual.
- The provincial government's website should present information in both languages simultaneously. This would promote greater visibility of English and French.

- A mentorship program within the civil service should be set up to enable employees learning the other language to use that language more often.
- A broad network of bilingualism champions should be established within the provincial civil service.
- There should be more tools for promoting official languages and more awareness of those tools. The success of the English/Français and *J'apprends le français* pins was mentioned, and it was suggested that a glossary of common words be developed and distributed. Those tools should also be available to companies in the private sector.
- Resources should be offered to professional associations so they can deliver services in both official languages. The existing resources are considered deficient and not well known.

Post-secondary

- The participants believe that universities could do more to promote the two official languages.

Teaching a Second Language... to Adults

New Brunswick devotes considerable resources to second-language learning in elementary and high schools. However, the Commissioner considers that very little is done for adults wishing to learn the other official language.

During the past few years, many citizens have contacted the Office of the Commissioner to criticize the lack of programs and support measures for adults wishing to learn the other official language. As a result, the Commissioner believes that the provincial

government should conduct a study in order to determine the needs in this regard, the support measures required (loans, bursaries, etc.), and the teaching methods best suited to adult learners.

The Commissioner considers that bilingualism is a huge societal project and that everyone should be able to participate in it.



INVESTIGATIONS

Role of the Commissioner as Regards Compliance with the *Official Languages Act* (OLA)

The Commissioner conducts and carries out investigations either pursuant to any complaint made to the Commissioner or on his own initiative. He then reports and makes recommendations with a view to ensuring compliance with the OLA when he believes there has been a breach of the Act. The Commissioner makes every effort to follow up on complaints as swiftly as possible by first ascertaining the relevance of each complaint and then, if necessary, interceding with the institutions concerned.

The Commissioner works discreetly and in a spirit of cooperation with the institutions concerned and favours a transparent approach characterized by support and collaboration. However, the Commissioner will not, if confronted by a blatant lack of cooperation on the part of an institution, shy away from publicly denouncing such resistance in his annual report to the Legislative Assembly.

Filing of Complaints

Anyone wishing to file a complaint may do so either in person, in writing, or by e-mail. The Office of the Commissioner's website (www.officiallanguages.nb.ca) describes the procedure for filing a complaint. All complaints received are considered confidential, and every effort is made to keep the complainant's identity confidential.

The Commissioner may refuse to investigate or cease to investigate any complaint if, in his opinion, the complaint is trivial, frivolous, or vexatious or is not made in good faith, or if the subject matter of the complaint does not involve a contravention or failure to comply with the Act or does not come within the authority of the Commissioner. In such cases, the

Commissioner must provide the complainant with reasons for the decision to do so.

Main steps in complaint-handling process

- The Office of the Commissioner receives the complaint and determines if it is admissible for investigation.
- If the complaint is accepted, the Commissioner notifies the institution concerned of his intention to investigate.
- The investigation is carried out.
- At the end of his investigation, the Commissioner forwards his report to the Premier, the administrative head of the institution concerned, and the person who filed the complaint. He may include in his report any recommendations he deems appropriate as well as any opinion or reasons supporting his recommendations.
- If the complainant is not satisfied with the conclusions of the Commissioner, he or she may apply to the Court of Queen's Bench of New Brunswick. A judge may decide on the remedy that he or she considers appropriate and just in the circumstances.

It should be noted that nothing in the Act precludes a complainant from applying directly to the Court of Queen's Bench instead of filing a complaint with the Commissioner of Official Languages. However, such a process entails costs for the person initiating it.

Also, the Commissioner may take up a matter with an institution outside the framework of an official investigation. For example, a situation that does not directly contravene the *Official Languages Act* may

nonetheless adversely affect the advancement of the two official languages. Under his promotional mandate, the Commissioner may see fit to make the institution concerned aware of this situation.

Complaints received between April 1, 2009 and March 31, 2010

Between April 1, 2009 and March 31, 2010, the Office of the Commissioner of Official Languages handled 162 complaints. Of that total, 101 complaints were admissible, with 82 based on lack of service in French and 19 based on lack of service in English. Fifty-one 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. Also, 10 complaints were referred to other institutions for consideration. Lastly, the Office of the Commissioner received 32 requests for information.

Most of the complaints were based on the failure to actively offer services in French or the lack or inadequacy of services in French, be it in person or over the telephone. Some complaints had to do with documentation such as forms, invoices, and other materials drafted in only one language or poorly translated and subsequently distributed to the public.

Complaint Trends since the Establishment of the Office of the Commissioner of Official Languages

The Office of the Commissioner notes that the grounds for the complaints filed during the 2009-2010 year were virtually identical to those of previous years. The Commissioner remains convinced that the best way for the provincial government and its institutions to fulfill its linguistic obligations toward the public is for the province to adopt a strategic plan on implementation of the OLA that would apply to all of the institutions concerned.

TABLE 1 Complaints and request for information

	French	English	Total
Admissible complaints ¹	82	19	101
Inadmissible complaints	26	25	51
Complaints referred elsewhere ²	3	7	10
TOTAL OF COMPLAINTS	111	51	162
Request for information	11	21	32

1 One of these complaints was initiated by the Commissioner.
 2 Complaints referred to: Ombudsman, Human Rights Commission, federal Commissioner of Official Languages, other.

TABLE 2 Admissible complaints by category

Category	French	English	Total
In person	18	2	20
Signage	9	0	9
Telephone communications	17	2	19
Websites	11	0	11
Documentation	19	3	22
Other	8	12	20
TOTAL	82	19	101

TABLE 3 Status of admissible complaints

Status	French	English	Total
Complaint under investigation or completed	53	1	54
Investigation not initiated (pending additional information from the complainant and/or institution)	13	1	14
Complaint withdrawn [by the complainant or the Commissioner under subsection 43(11) of the OLA]	16	17	33
TOTAL	82	19	101

TABLE 4 Institutions targeted and status of complaint-handling

Institutions	Number of Complaints	Investigation under way	Investigation completed	Founded	Unfounded
Efficiency NB	3	0	3	2	1
Energy (department)	2	0	2	2	0
Finance	5	5	0	0	0
Health ¹	3	0	3	3	0
Justice and Consumer Affairs	3	2	1	1	0
Legislative Assembly	1	0	1	1	0
Local Government ²	8	3	5	5	0
Natural Resources	3	0	3	3	0
NB Liquor	3	0	3	3	0
Office of the Premier	1	1	0	0	0
Post-Secondary Education Training and Labour	2	0	2	2	0
Public Safety	6	1	5	4	1
Service New Brunswick	3	1	2	2	0
Social Development	3	0	3	3	0
Supply and Services	1	1	0	0	0
Transportation	3	0	3	3	0
Wellness, Culture and Sport	3	2	1	1	0
Worksafe NB	1	0	1	1	0
TOTAL	54	16	38	36	2

¹ One of these complaints is related to the services provided by Ambulance NB. The other two had to do with hospitals.

² Two of the complaints are related to the services provided by the Department of Local Government. The other six had to do with the services of certain municipalities (Fredericton, Miramichi and Saint John).

Selection of Founded Complaints

Here is a selection of complaints resolved by the Office of the Commissioner of Official Languages over the past year. These complaints, which were founded, illustrate the wide range of situations brought to the Commissioner's attention.

Fredericton Police Force

For service in French, you'll have to insist

On September 13, 2008, the complainant was driving her car when she was stopped by a Fredericton Police Force officer. Contrary to the provisions of subsection 31(1) of the *Official Languages Act*, the complainant was not advised of her right to be served in the official language of her choice. Despite that, the complainant clearly indicated that she wished to be served in French. The officer then responded that he did not speak French. According to the complainant, the officer behaved arrogantly, and she had to insist that he honour her request and call a bilingual officer to the scene. That officer finally arrived 20 minutes later.

The bilingual officer explained to the complainant why she had been stopped, and he handed her a ticket indicating the exact time and date she had to appear in court if she wished to contest the fine. The hearing was scheduled for 9 a.m. on November 27, 2008.

Since the court was not sitting in French until that afternoon and the complainant had turned up in accordance with the instructions noted on the ticket, the ticket was voided immediately by the Fredericton Police Force court clerk, and no charges were laid. The complainant would have preferred to have her arguments heard in provincial court.

Analysis

The complainant's concerns have to do with the alleged non-application of section 31 of the *Official Languages Act*, the first two subsections of which read as follows:

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).

In its response to the complainant's allegations, the City of Fredericton stated that "it appeared there had been an inadvertent breakdown in initial communications of informing a member of the public that they have the right to communicate with a peace officer in the official language of their choice."

In describing the incident as an "inadvertent breakdown in initial communications," the City appears to be both recognizing that the complainant's language rights were not respected by the officer in question and to be unduly minimizing the cause. Even though an officer able to serve the complainant in the language of her choice was finally dispatched to the scene, we find that this aspect of the complaint is founded.

There is no justification for the first officer's conduct towards the complainant. While the officer could not speak French, he should have shown courtesy instead of being somewhat hostile to the complainant. The choice of language expressed by a member of the public should not under any circumstances influence a peace officer in the performance of his or her duties or result in non-respect of the equality of the two official language communities referred to in the OLA.

With reference to the various measures taken by the Police Force to meet the requirements of the OLA, we see that in October 2007, Standing Order No. 2007-025 mentioned the distribution of pocket translation cards to police officers. The City informs us that all police officers received laminated pocket translation cards in 2008 and at the beginning of 2009. We therefore wonder if, on September 13, 2008, the officer had those cards on him and if he deliberately refused to use them. Even if he had yet to receive them, we believe he should have already been made aware of the issue of the active offer of service by the City.

The City has not commented on the incident of November 27, 2008. We note that the decision to void a ticket and, in so doing, to end legal proceedings is not its prerogative.

Recommendations

We have taken due note of the measures implemented by the City to prevent the recurrence of such incidents (reminders to officers and distribution of translation cards). However, since police officers are frequently required to interact with the public for a number of reasons, we believe it is important to continue raising awareness of the need to respect the language preference of New Brunswickers, whatever it may be. This brings us to recommend the following:

Recommendation No. 1

That the City of Fredericton and the Police Force develop a training program focusing on how to deal with the public and the measures to be taken in order to provide equal services in both official languages.

Recommendation No. 2

That the City of Fredericton implement an ongoing monitoring process to ensure that police officers actually meet their language obligations.

Horizon Health Network

Bilingual services announced but not available

On October 17, 2009, the complainant went to the Emergency Department at the hospital in Perth-Andover. She alleges that, despite signs and posters indicating that users have the option of being served in either official language, none of the nurses was able to speak to her in her language of choice – French. The complainant also contends that the same thing happened to her when she went to the Emergency Department at the hospital in Waterville on July 9, 2009. That day, when she indicated that she wished to be served in French, the complainant was insulted when she heard a nurse reply, “Keep talking.”

Analysis

In this case, the complainant’s concerns have to do with the alleged non-application of sections 27, 28, and 28.1 of the OLA, which prescribe respectively as follows:

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.

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.

According to the information provided by both the complainant and the Horizon Health Network, visual active offer was indeed present at the Upper River Valley Hospital (Waterville) and at Hotel-Dieu of St. Joseph (Perth-Andover) on the dates indicated in the complaint. The institution also contends that, in both of the cases cited by the complainant, there were staff members on hand who were able to serve the public in both official languages. The problem therefore lies in the fact that, despite all the measures in place, the complainant could not be served in the language of her choice. The institution recognizes in that respect that the procedures implemented by the organization were not followed.

The incidents recounted by the complainant are directly related to breaches committed by the staff members with whom she interacted during her visits to the hospitals in question, which in our opinion cast doubt on the established procedures. It is disappointing to see, so many years after the coming into force of the OLA, that some employees are deliberately neglecting to respect their language obligations towards the public despite the measures taken by the institutions. It is high time that the institutions adopt a firmer stance.

In conclusion, we wish to underline the fact that, to meet the requirements of the OLA, it is not sufficient to have adequate staff and equipment. Rather, it is necessary to coordinate both in order to ensure services of equal quality in both official languages, without a client having to ask for them.

Conclusions

Horizon Health Network does not dispute the complainant’s allegations and admits to having failed in its objective to provide services of the highest quality possible. This brings us to conclude that the complaint is founded.

We have taken due note of the corrective measures implemented by the institution and hope that they will help to improve the language quality of the services provided for the public at both hospitals referred to in the complaint. The language aspect of these services is far from being of minor importance since it contributes to the well-being of the often vulnerable individuals who go to health care institutions.

Recommendation

That the management and supervisory staff of Horizon Health Network demonstrate leadership and act more rigorously to ensure that the steps taken to comply with the OLA are actually applied by all staff, and, if necessary, that the institution take action against recalcitrant employees.

Department of Energy Public-private partnerships at the expense of services in French

In November 2008, the Office of the Commissioner contacted the provincial government to obtain information about the *Warm Hearts, Warm Homes* program, which was designed to provide emergency financial assistance for heating costs and was being administered by the Salvation Army. The program also included personal financial education workshops offered by Credit Counselling Services of Atlantic Canada Inc. (CCSAC).

At the time, a number of stakeholders had voiced doubts about those organizations' ability to offer services in French. We therefore wanted to obtain clarifications about the scope of the government's involvement in the above program and about the nature of the partnership between the government, the Salvation Army, and the CCSAC in order to reassure ourselves that the provisions of the OLA were being met.

In the meantime, we received two complaints concerning shortcomings in services in French provided by the CCSAC. The complainants alleged that the automated greeting on the toll-free information number was in English only.

Analysis

The complainants' allegations are directly and indirectly related to the non-application of section 30 of the *Official Languages Act*, which states as follows:

30 The Province and its institutions are responsible for ensuring that all services offered to the public by third parties on their behalf are delivered in both official languages.

The Department of Energy told us on several occasions that the Salvation Army and the CCSAC were aware of their language obligations. In a letter to us from the Department, the institution wrote, "Delivery of service in both official languages was a requirement of the agreement to administer the *Warm Hearts, Warm Homes* program. Both the Salvation Army and Credit Counselling Services of Atlantic Canada Inc. were made aware of the obligation to provide services in both official languages."

Although the two complaints in this file did not involve the Salvation Army's services, we nevertheless felt it necessary to meet with the person in charge of the Salvation Army in Moncton – Major Patrick March, whose office was responsible for the administration of the *Warm Hearts, Warm Homes* program. He clearly demonstrated to us his commitment to ensuring respect for language rights, which we noted for ourselves during our visit and during telephone calls with his office.

With regard to the CCSAC, the complaints dealt with thus far and our experience show that the organization's telephone services were not of equal quality in French and English. We therefore find these two complaints to be founded.

In this case, we note that the Department has always stressed that fact that it was a public-private partnership administered exclusively by the Salvation Army – as if to confer upon that institution sole responsibility for all of the services provided under the *Warm Hearts, Warm Homes* program. In its first letter to us, the institution stated that the program had been "targeted to the New Brunswick reality." However, one cannot speak of a "New Brunswick reality" without mentioning the linguistic duality that characterizes our province or the obligations imposed by the OLA.

In our view, regardless of its level of involvement, as a representative of the government, the Department should have ensured that all of the services connected with the program in question met the requirements of the OLA, particularly since the agreement on the administration of the program did indeed contain a language clause. Since anyone interested in the *Warm Hearts, Warm Homes* program was asked to call the CCSAC's toll-free number, that organization should have put in place a system enabling it to manage calls from members of the public according to the official language of their choice.

Recommendations

We understand that the government has to call upon service providers in the private sector so that New Brunswickers can benefit from programs such as the one at issue here. That said, it is not sufficient merely to inform these providers about their obligations under the OLA. It is essential to ensure that these obligations are met such that Francophone citizens can communicate with the organizations providing the services in the same way as their Anglophone counterparts. We are therefore making the following recommendations:

Recommendation No. 1

That the Department of Energy ensure from now on that the organizations with which it establishes partnerships in order to provide services for the public have the human and technological resources needed to comply with the OLA.

Recommendation No. 2

That, in the case of partnerships such as the one established for the *Warm Hearts, Warm Homes* program, the Department of Energy go beyond the language commitments made by the parties and that it obtain from them detailed information about how they will actually offer services of equal quality in both official languages.

Recommendation No. 3

Lastly, that the Department of Energy conduct periodic checks of its service providers to ensure that they are continuing to apply the measures needed to be in compliance with the requirements of the OLA.

Department of Health

Problems persist at Ambulance New Brunswick

On June 21, 2009, the complainant was transported by ambulance to the Grand Falls General Hospital. Even though the complainant indicated that the quality of care provided by the two ambulance attendants who looked after transporting her was excellent, she lamented the fact that neither of the two could speak French. The complainant informed us that, because of her limited knowledge of English, she could not adequately explain the symptoms she was experiencing.

Analysis

The provisions of the *Official Languages Act* whose application is at issue in this case are as follows:

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.

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.

Punctuality, simultaneity, and equivalency in the quality of the services obtained are the concepts underpinning these provisions. As we have said so many times, providing service in the language chosen is much more than a mere accommodation exercise. Equal access must be reflected through a service that is prompt, courteous, and available in the client's preferred language, without any undue delays or transfers caused by the exercise of that choice.

During the investigation, the Department of Health indicated to us that:

- the paramedics who had looked after the complainant were indeed unable to speak French;
- the bilingual paramedic on duty at the time had been assigned to another ambulance;
- the other ambulance attendants on duty – unilingual Anglophones – knew the complainant and knew that she could speak English;
- to avoid jeopardizing the patient's life, the ambulance attendants decided not to wait for the bilingual paramedic.

The investigation showed that there were shortcomings both in terms of the active offer of service and the delivery of services. Consequently, the complaint is founded.

Even though, in general terms, the shortage of bilingual staff continues to present a formidable challenge for Ambulance New Brunswick (ANB), it is difficult for us to see how this could have an impact in the northern administrative region, where the complainant resides. The linguistic profile for that region shows that, with more than 118 bilingual full-time employees at the end of 2007, the number of bilingual paramedics exceeded requirements by 16%. In addition, the region had a total of 26 unilingual Francophone paramedics at the time. We would be highly surprised to learn that there has been a substantial decrease in the number of those paramedics since then.

The fact that the only bilingual paramedic for the region was not available to respond to this call because he had been assigned to another unit raises serious questions which can only be caused by an inefficient allocation of staff or an inadequate linguistic profile. The institution therefore has to size up the situation, determine the actual cause of the problem, and take the necessary remedial action as quickly as possible.

In a previous case, ANB had proposed to us a number of different strategies to help it meet its language obligations gradually in its four administrative regions. ANB'S CEO told us that, in cases where the paramedic team responding to an emergency could not communicate with the patient in the language of his or her choice, the institution could rely on the services of the switchboard and dispatch staff, all of whom are bilingual and available around the clock. We were also told that each ambulance attendant has a telephone providing direct access to, among others, the Chaleur Regional Hospital in Bathurst. Although not the primary purpose of this system, it could definitely also prove useful in such circumstances. These options do not seem to have been considered in the complainant's case. That said, even if initially such a solution appears to be reasonable over the short term, this kind of compromise could lead to some very dicey situations that could easily result in loss of life in an emergency.

Like police officers, emergency doctors, and other first responders who have to deal with such situations, ambulance paramedics no doubt realize that language barriers can prove fatal. When a decision has to be made on the spot on the basis of scanty information at best and when lives are in danger, there is no substitute for fluency.

In this case, the ambulance paramedics decided not to wait for their bilingual colleague because they knew the patient, knew that she could speak some English, and wanted to avoid endangering her life.

While we understand the reasons having prompted the actions of the unilingual paramedics, we can only regret the current situation, that is, the presence of teams consisting of unilingual ambulance paramedics. What would have happened if the patient in question had not been able to speak English? Access to emergency medical care in one's language cannot wait.

In an officially bilingual province such as ours where the services provided by ANB are an extension of the provincial authority required to provide bilingual services in every region of New Brunswick, the onus is on the Department to determine when and how the organization must fully meet its obligations.

Recommendations

Since respect for language rights and patient safety leave no room for complacency, the Department of Health must continue to be intransigent regarding ANB's obligations under the *Official Languages Act*. As we indicated above, the situation encountered by the complainant occurred in a mostly French-speaking region that already has a contingent of bilingual ambulance paramedics. It is therefore hard to understand how such a situation could have occurred. In that respect, we make the following recommendations:

Recommendation No. 1

That the Department ensure that Ambulance New Brunswick adjusts the strategic distribution of its ambulance paramedics on the basis of the specific needs of each of its administrative regions and that it arranges work schedules so as to maximize its ability to deal with patients in the official language of their choice.

As mentioned above, Ambulance New Brunswick had earlier proposed a number of different strategies to help it meet its language obligations gradually. In cases where the team of ambulance paramedics responding to an emergency could not communicate with a patient in the language of his or her choice, we were told that the services of the group of switchboard operators and dispatchers, all of whom are bilingual and available around the clock, could be utilized. This brings us to make the following recommendation:

Recommendation No. 2

That the Department ensure that this approach – however temporary and imperfect it is – is made into a specific, standardized procedure with no loss in efficiency and that it is added to Ambulance New Brunswick's standard operating procedures (SOPs), if applicable.

Recommendation No. 3

That the Department ensure that this standardized procedure is communicated to all of the personnel in question.

Since we believe that our recommendations in the preceding investigation report are still relevant and to assure ourselves that they were understood in the specific context in which they were made, we will repeat them below and insist that the Department pay particular attention to them. Where some of these recommendations have already been implemented, the Department must determine the degree of success achieved and make any necessary adjustments.

Recommendation No. 4

That the Department develop an annual accountability mechanism for Ambulance New Brunswick such that all service requests in an official language other than the one spoken by the paramedics who responded to the call and the actions taken as alternative solutions be kept in a log that will be presented to the appropriate authorities, particularly in cases where the situation did not give rise to a complaint to the Commissioner of Official Languages.

Recommendation No. 5

That one of the elements covered by this annual accountability mechanism concern the results of efforts made during the year to popularize the profession, including advertising campaigns, promotion, awareness raising in schools, and any other measure that Ambulance New Brunswick may take to make up for its shortage of bilingual staff.

Department of Public Safety**Language obligations weigh little**

On May 20, 2008, the complainant, a truck driver, stopped at the weigh station located at Exit 258 on Route 3, in the direction of Saint Andrews/St. Stephen/Fredericton. The complainant asked the enforcement officer if he spoke French. The officer answered “No!”, so the conversation continued in English.

With much difficulty, the complainant finally understood that he was being asked to show some documents in connection with his occupation (daily log sheets, registration, special permits, etc.). Since he was not sure which documents the officer wanted to check, the complainant gave him all of them. The officer then asked the complainant a few questions, but the latter could not get the gist of them. Next, the officer tried to explain something to the complainant, again in English. Once more, the complainant did not understand. According to him, the enforcement officer spoke very quickly and made no effort to facilitate communication.

Analysis

The provisions of the *Official Languages Act* whose application is at issue in this case are as follows:

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.

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.

Since the employee in question did not deny the facts reported by the complainant, we find that the complaint is founded.

This complaint is all the more significant because weigh stations are scattered throughout the province and are used by truck drivers not only from New Brunswick but also from elsewhere in Canada. It is therefore critical that drivers be informed upon first contact of their right to receive services in the official language of their choice, and that personnel assigned to these weigh stations respect rigorously all of the legal obligations stemming from the *Official Languages Act*.

During our investigation, the institution informed us that it had met with the employee in question and that it had reminded him of his obligation to actively offer service in both official languages, as required by the OLA. The Department further stated that the Language of Service policy had also been reviewed with the employee and that he had promised to follow the instructions given. The Department also told us that it had implemented an action plan to ensure compliance with the *Official Languages Act* and the Language of Service policy and that all employees of the Department now have to successfully complete the online learning modules on official languages.

We welcome the institution's initiative in meeting with the officer at issue in the complaint, as we feel that such action is crucial to avoiding this type of blunder in the future. It is our hope that this employee will honour his commitment to comply with the obligations imposed by the OLA. Further, we were pleased to see that the Department has developed an official languages action plan. We should also point out that it is the first institution to have taken concrete steps in that regard, and we encourage it to ensure that this plan is implemented as quickly as possible.

Conclusion

Our various interactions with the Department of Public Safety in connection with the handling of complaints received at our office lead us to believe that it has gotten the message that prevention, not correction, is now the order of the day. That commitment can be seen through the various measures that have been introduced, and we assume that the institution will not delay in implementing the aforementioned action plan. We therefore do not feel it necessary to make any new formal recommendations in this case.

Department of Justice and Consumer Affairs An adjudicator hears a case that he should not have

On May 6, 2009, the complainant appeared in Small Claims Court in Moncton. Her language of choice was French. Consequently, all of the documents submitted to the court were in that language. The notice of hearing stated that the parties intended to proceed in English and French at the hearing. During the hearing, an interpreter was responsible for providing translation for the parties. The complainant alleged that the adjudicator chairing the hearing was not bilingual. She therefore believed that he could not understand or follow the presentation of the evidence without the interpreter's assistance. The complainant substantiated her allegations based on the following observations:

- The adjudicator did not utter a single word in French, not even the customary greetings.
- When the complainant presented her evidence in French, it was obvious that the adjudicator was following what the interpreter was saying.
- The adjudicator asked the interpreter to translate for him a particular clause of the insurance contract in French that had been entered into evidence.

Since the complainant had specifically requested that the proceedings take place in French, she found it inconceivable that the hearing would unfold as it did and that both she and her language of choice would be given so little consideration.

Analysis

The complainant's concerns have to do with the alleged non-application of subsection 19(2) of the OLA, which stipulates as follows:

19(2) A court before which a matter is pending must understand both official languages, without the assistance of an interpreter or any process of simultaneous translation or consecutive interpretation, if both English and French are the languages chosen by the parties to the proceedings.

The Department stated in its reply that it did not challenge the validity of the complainant's allegations. We therefore find that a breach of the OLA occurred and that the complaint is founded.

According to the institution, the incident reported by the complainant was an isolated error that would not occur again. The Department contended that, in this particular case, the Small Claims Court officer inadvertently neglected to follow the customary

procedure that consists in scheduling the hearing before an adjudicator who understands the language chosen by the person concerned. Following explanations by the court clerk and the Regional Director of Court Services in Moncton, the officer in question and her supervisor understood the mistake that had been made. The institution also informed us that it would check to ensure that such mistakes had not occurred in other cases. According to the Department, it would have been incumbent upon the adjudicator as well to make sure that the language rights of persons under the court's jurisdiction are respected at any hearing.

That said, despite the mistake in question, and as acknowledged by the Department, the adjudicator should have ensured that the parties' choice of language was respected. Given that the adjudicators are lawyers appointed for a fixed term, it is important to make sure that each new adjudicator is given the necessary information about the requirements imposed by the OLA.

Conclusion

With the nature of the problem having been identified and steps having been taken to determine the causes, we do not feel it necessary at this time to make any specific recommendations. However, while the institution appears to be cognizant of its language obligations, we would hope that it will remain vigilant to prevent such incidents from happening again.

Department of Transportation For service in French, call back later

During the year, the Office of the Commissioner received three complaints concerning the Department of Transportation's road conditions telephone line. In the three instances, the complainants had chosen service in French, but the agent who answered did not speak that language. The Francophone or bilingual agents were either not available or had not started their shifts.

Analysis

The complainants' allegations have to do with the non-application of section 30 of the *Official Languages Act*, which stipulates as follows:

30 The Province and its institutions are responsible for ensuring that all services offered to the public by third parties on their behalf are delivered in both official languages.

While the Department of Transportation was not able to track down the complainants' telephone calls, its investigation confirmed the facts as reported when the complaints were filed. Consequently, we find that the complaints are founded.

To ensure that the situation described by the complainants does not continue, the institution decided not to renew its contract with the company providing information on road conditions in New Brunswick. While we find this to be a satisfactory solution, we would have liked to know more about how the Department plans to definitively resolve this problem, which was first brought to our attention nearly four years ago.

We should also mention that more than a month elapsed between the submission of the first complaint and that of the second. That seems to indicate that, after receiving our notice of investigation into the first complaint, the Department of Transportation did not respond as quickly as we had hoped it would to attempt to rectify the situation.

The service in question is a crucial one. People often consult it before setting out to ensure that the roads they will be travelling on are passable. Consequently, the safety of New Brunswickers and visitors to our province depends heavily on it. It is therefore unacceptable that this service is not able to provide the public with the desired information in both official languages simultaneously.

It is essential that, in future, the Department ensure that the provider of this service rigorously adheres to the language clause in the contract. To bolster that clause, we believe that the wording of section 30 of the OLA should be inserted into all contracts of this nature. The institution is responsible for ensuring that the provider

of this service is actually able to meet the requirements imposed by the OLA and that it is fully committed to doing so. Should the company fail to fulfil its obligations, we expect the Department to immediately take the necessary steps to rectify the situation.

More generally, in view of the scope of the services provided by the Department, it must be more rigorous and implement a verification process designed to ensure that third parties acting on its behalf respect both the spirit and the letter of the OLA.

Recommendations

Recommendation No. 1

That the Department of Transportation undertake to ensure that third parties with which it enters into agreements for the provision of services to the public have the human and technological resources needed to comply with the OLA.

Recommendation No. 2

That the Department of Transportation conduct periodic checks of its service providers to ensure that they are continuing to apply the measures needed to be in compliance with the requirements of the OLA at all times.

As indicated above, the service at issue in these complaints is of tremendous importance because it provides key information for public safety on the roads. It is therefore essential that the institution address such issues with the utmost seriousness. This brings us to make the following recommendation:

Recommendation No. 3

That the Department of Transportation take prompt action when we bring a language deficiency that could jeopardize public safety to its attention.

Language of commercial signage in Dieppe

An Inadmissible Complaint Piques the Commissioner's Interest

The Commissioner regularly receives complaints that are deemed inadmissible because they do not come within his authority. These may involve complaints concerning a private business, a community organization, or a federal institution. Although they do not give rise to an investigation, these complaints may still prompt the Commissioner to intervene under his mandate to promote the advancement of the two official languages. That is what happened in the case of a proposed municipal by-law on the language of commercial signage in Dieppe.

In November 2009, an Anglophone resident of Dieppe wrote to the Commissioner to complain about proposed municipal by-law Z-22 on language of signage. The complainant felt the by-law was discriminatory because it permitted the exclusive use of French while prohibiting English-only signs.

The *Official Languages Act* does not apply to the private sector, and consequently, the matter of commercial signage is excluded from its purview. However, the Commissioner believed that the issue touched on fundamental principles regarding the equality of the two linguistic communities and decided to intervene.

After reviewing the text of the by-law, the Commissioner sent a letter to the Dieppe City Council in order to suggest some changes. (The Commissioner's comments can be found on page 15 of this report.)



© iStockphoto.com / DNY59



COURT DECISIONS

Being Informed by a Police Officer of the Right to Be Served in Your Language: A Charter Right

Pursuant to s. 31(1) of the *Official Languages Act* (OLA) of New Brunswick, “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.” This duty in New Brunswick that citizens be informed of their right to be served in French or English (commonly called active offer) is not mentioned specifically in the *Canadian Charter of Rights and Freedoms*. Must we conclude that the Charter does not impose this duty? This is an important question since the rights set out in the Charter are fundamental and their violation can affect the outcome of a trial. During the period covered by this annual report, two cases made it possible to obtain an answer to that question. In *R. v. Paul Robichaud* (2009 NBPC 26), Provincial Court Judge Ronald LeBlanc concluded that the Charter did not impose a duty to inform citizens of their right to be served in the official language of their choice. Justice Lucie A. LaVigne of the Court of Queen’s Bench (a higher court) subsequently came to the opposite conclusion in *R. v. Clarisse Gaudet* (2010 NBQB 27).

Justice LaVigne’s decision means that the absence of an active offer on the part of a police officer amounts not only to a violation of s. 31(1) of the OLA but also to a violation of s. 20(2) of the Charter. In addition, that ruling confirms that a Provincial Court judge may order a remedy for an accused if that person’s linguistic rights are not respected by a police officer.

Robichaud Case

In the first case, Paul Robichaud asked the Provincial Court for an acquittal in relation to a speeding violation. He alleged that the police officer had not informed him of his right to communicate with him in the official language of his choice as set out in s. 31(1) of the OLA.

The Crown submitted that a judge in New Brunswick’s Provincial Court does not have jurisdiction to render an acquittal in circumstances where there is a violation of linguistic rights.

Provincial Court Judge Ronald LeBlanc concluded that the accused had not been informed of his right to be served in the official language of his choice; there

had therefore been a violation of s. 31(1) of the OLA. However, according to the judge, the OLA did not authorize him to grant a remedy to the accused. Also, on the basis of judgments rendered by other courts, specifically the Haché case, Judge LeBlanc concluded that s. 20(2) of the Charter does not require an officer of the peace in New Brunswick to inform citizens of their right to receive services in the official language of their choice. Consequently, he concluded that he could not grant a remedy under s. 24 of the Charter.

Since the Crown proved all of the elements of the offence beyond a reasonable doubt, the judge declared the defendant convicted of the offence.

Legal Vacuum

In his ruling, Judge LeBlanc was critical of the fact that the *Official Languages Act* of New Brunswick did not give him the authority to grant a remedy to an individual whose linguistic rights have been violated. In his decision, he wrote:

“Any ticket or information filed in respect of an offence against provincial or federal legislation is filed in the Provincial Court. In New Brunswick, the most recent statistics indicate that more than 97% of criminal charges, and 100% of quasi-criminal charges, are decided in Provincial Court, but this Court does not have jurisdiction to entertain requests for a remedy for breach of a language right conferred by the Act. Yet a member of the public would no doubt expect the Provincial Court judge to be able to grant them a remedy. It is before such a judge that he or she must appear, and it would be logical for such a judge to be able to grant the remedy.

A Provincial Court judge should have as much power as a judge of the Court of Queen’s Bench to grant the remedy that he or she considers appropriate and just

in the circumstances, in any proceeding that leads to the filing of a criminal or quasi-criminal charge in his or her Court. The absence of such a power creates a legal vacuum that does not meet the public’s needs. In my opinion, this breach of the Act is untenable and must be rectified. Only the legislator can do so.”

Gaudet Case

In this case, the police officer who arrested Mr. Gaudet did not inform him of his right to be served in the official language of his choice. After considering all of the elements, the Provincial Court judge ordered a stay of proceedings*. The Crown appealed that decision.

In order to rule on the appeal, Court of Queen’s Bench Justice Lucie A. LaVigne focused mainly on the following issue: Does a duty to inform members of the public of their right to be served in the official language of their choice arise by implication from s. 20(2) of the Charter?

Justice Lavigne concluded that section 20(2) of the Charter necessarily includes an active offer of service, and accordingly, peace officers in New Brunswick must

Sections of the OLA and the Charter at the heart of the decision

Official Languages Act of New Brunswick

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.

Canadian Charter of Rights and Freedoms

16.(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick

20.(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

24.(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstance.

*An article with respect to this decision appears in the Commissioner’s 2008-2009 Annual Report.

inform every member of the public with whom they communicate of their right to be served in the official language of their choice.

In her decision, she wrote:

“Unlike s. 31(1) of the *Official Languages Act*, s. 20(2) does not specifically require a peace officer to inform members of the public of their right to be served in the official language of their choice. However, in my view, this right arises by implication from s. 20(2) of the Charter. Based on the generous and liberal approach to the interpretation of language rights taken by the Supreme Court of Canada in *Beaulac*, and based on a purposive approach to the provisions in question, I find that s. 20(2) of the Charter imposes a duty by implication to make an “active offer.” In order to give full effect to the right to choose under s. 20(2) of the Charter, there must be a corresponding duty on the part of peace officers to inform the public of that right. To construe s. 20(2) otherwise would have the obvious result of obstructing the remedial purpose of this linguistic right and this would be incompatible with a broad and dynamic purposive interpretation. Section 20(2) of the Charter necessarily includes an active offer of service. The freedom to choose given by s. 20(2) is meaningless in the absence of a duty to inform the citizen of this choice. Section 20(2) of the Charter necessarily includes an active offer of service and accordingly, a peace officer in New Brunswick must inform every member of the public with whom he communicates of their right to be served in the official language of their choice.

The fact that the provincial legislator adopted s. 31(1) of the *Official Languages Act* does not make the Charter inoperative. The rights protected by s. 31(1) of the *Official Languages Act* are not new. They are already Charter rights under s. 16(2) and under s. 20(2) in particular. The *Official Languages Act* is simply an illustration of the advancement of linguistic rights by statutory means under s. 16(3) of the Charter. In fact, I venture to say that s. 31 remedied the situation as it existed.”

Legal Vacuum Filled

The OLA does provide that citizens may apply to the Commissioner of Official Languages or the Court of Queen’s Bench if they believe their linguistic rights have not been respected. That is why, in *R. v. Paul Robichaud*, the Provincial Court judge concluded that he could not grant a remedy to the accused.

The decision handed down by the Court of Queen’s Bench (the rights under s.31(1) of the OLA are protected by the Charter) serves to fill the legal vacuum criticized in the *Robichaud* case. Indeed, Provincial Court judges may hear allegations of infringement of the rights and freedoms guaranteed by the Charter.

In her decision, Justice LaVigne wrote:

“With respect to the violation of s. 20(2) of the Charter, the Provincial Court is a court of first instance with jurisdiction to hear allegations of the infringement of rights and freedoms guaranteed by the Charter whenever it has jurisdiction over the person and the subject matter. In the case at bar, Mr. Gaudet was charged under s. 253(b) of the Criminal Code of Canada. The matter was properly before the Provincial Court. It had a duty to adjudicate and to enforce the substantive rights and obligations guaranteed by the Charter.”

Recommendation of the Commissioner of Official Languages

While the legal vacuum criticized by Judge LeBlanc was filled by Justice LaVigne’s decision, the Commissioner of Official Languages for New Brunswick believes that the OLA should nonetheless be amended in order to make it clear that Provincial Court judges may rule on matters and grant remedies in relation to violations of rights set out in the Act.

© Frye Festival, Dolores Breau 2009



PROMOTION

Succeeding at Life in French

In March 2010, the Office of the Commissioner, in cooperation with school districts 1, 2, and 11, held a series of talks aimed at promoting the French language among Francophone students living in a minority setting and Anglophone students enrolled in the intensive French program. Well-known speaker, Martin Latulippe, travelled to Miramichi, Saint John, Fredericton, and Moncton to present a powerful message about the French language. Students and teachers alike responded warmly to the speaker's words.

"Our students and teachers really enjoyed the talk," said Donna Godfrey, vice-principal of Caledonia Regional High School. "I spoke with some of the students after, and many of them felt more motivated to use their second language."

This was not Martin Latulippe's first presentation in the schools. But this was the first time that he had been asked to focus on the French language. "It was such a privilege to share my inspirational message while emphasizing the unique gift of the French fact," he said.

Besides encouraging the students to make full use of French in their daily lives, the presentation was also intended to make them aware of the importance of adopting a positive attitude, pursuing their dreams, and participating in the world around them.

Judging by the hearty applause that ended each presentation, it is clear that the students enjoyed themselves. And the message seems to have stuck. In fact, a few days after Latulippe's presentation in Miramichi, some Francophone students were invited to appear in a promotional video for the region. The director asked them to do the wave while saying, "We are from Miramichi." The students did as asked but instead said, "Nous sommes de Miramichi."



© Martin Latulippe

People are talking ... about Official Languages

On November 9, 2009, the Office of the Commissioner marked the 40th anniversary of the *Official Languages Act* by placing an insert in all of the province's daily newspapers. Entitled *People are talking... about Official Languages*, the document presents some very interesting accounts concerning the evolution and contributions of official bilingualism in New Brunswick. For the benefit of readers, that insert has been reproduced in the last chapter of this Annual Report.



Max Mallard at the Capitol Theatre



© Frye Festival, Dolores Breau 2009

More than 800 Anglophone and Francophone students had the chance to get to know the character from the Max Mallard comic book a little better during the 10th edition of the Frye Literary Festival. The Office of the Commissioner of Official

Languages organized a multimedia activity for young people during which youth authors explored the multiple facets of Max Mallard.

Max Mallard is a bilingual teenager who has ducks... for hands. This rather unique characteristic equips him to experience some fantastic adventures that also serve as opportunities to promote a harmonious dialogue between the two linguistic communities. More than 20,000 copies of the first issue were distributed to young people throughout the province during the summer of 2008. Published in both official languages, the comic book was designed by Razor Creative of Moncton and illustrated by FatKat Animation of Miramichi. The adventures of Max and his friends are waiting to be discovered at the website www.2tongues.ca. Look for two little ducks to show the way.

TERMIUM Plus® is now free

On October 8, 2009, the Government of Canada launched the Language Portal of Canada. The tools offered on that website include TERMIUM Plus®, a remarkable online multilingual dictionary that contains close to four million French, English, and Spanish terms. TERMIUM Plus®, which until then had been available only by subscription, thus became a free tool for everyone.

For several years, the Commissioner had been recommending that TERMIUM Plus® be available free of charge to all New Brunswick civil servants. Moreover, he had been in contact with the provincial and federal governments about this. He is therefore delighted to see the abolition of user fees for this important data bank.

Besides TERMIUM Plus®, the Language Portal of Canada contains numerous writing tools, articles on language difficulties, and a host of other Canadian web resources. It also enables its users to stay informed about what is going on across Canada in the field of language. All Canadian organizations that are interested in language can contribute to the Language Portal contents.

The Commissioner believes that the Language Portal of Canada is an outstanding language resource and encourages all New Brunswickers to take advantage of it. The address of the Language Portal of Canada is www.noslangues-ourlanguages.gc.ca.

Information Campaign

In March 2010, the Office of the Commissioner conducted a major public information campaign aimed at making New Brunswickers more aware of their language rights.

Newspaper ads

Entitled *Choice ... It's Mine* / (*Le choix m'appartient*), this large ad was placed in the province's Anglophone and Francophone daily and weekly newspapers. It reminded readers that it is up to them to choose the official language in which they wish to receive government services. It also suggested that readers contact the Office of the Commissioner if their language choice was not respected.

Radio ads

A series of ads, produced in partnership with the Association des radios communautaires acadiennes du Nouveau-Brunswick and CJPN 90.5 FM Radio Fredericton, were aired by New Brunswick's French-language community radio stations. These ads describe the obligations of government institutions under the *Official Languages Act* with respect to active offer and provision of services.

People are talking...



about Official Languages

It's All About People

It happened in 2004 at the launch of Louis J. Robichaud's biography. The book signing was coming to an end, and I went up to the former Premier to have my copy autographed. He congratulated me on my appointment as Commissioner, and before long, we were discussing the state of bilingualism in the province. He told me that the progress achieved since the passage of New Brunswick's first *Official Languages Act* went beyond anything he could have imagined at the time it was adopted back in 1969. He was visibly proud and delighted by what he was seeing and, above all, hearing.

What seems natural to us today when it comes to official languages was not the case in 1969. That is what the "father" of the first *Official Languages Act* had noted. This 40th anniversary is an opportunity to pay tribute to the political courage of Louis J. Robichaud, as well as that of then Leader of the Official Opposition Richard Hatfield. Let's not forget that this legislation was passed unanimously.

Talk about official languages generally revolves around legislation, policies, and court decisions. We forget that, behind this issue, there are people first of all, members of our two linguistic communities. That is why, on the occasion of the 40th anniversary of the adoption of the first official languages legislation, we offer these personal accounts by men and women of all backgrounds. Their words help us realize the progress we have made, the benefits of knowing more than one language, and the challenges that lie ahead.

Our province is unique: it is the only one that is officially bilingual. That is something of which we can all be proud.

Happy reading.

Michel A. Carrier
Commissioner of Official Languages
for New Brunswick

A Lever of Change

“But that conference has always been held in English.” That was the rather unenthusiastic reply that Louis-Philippe Albert got from his boss when the young employee suggested that the provincial 4-H conference take place in French as well. The proposal was quite logical since the event brought together young anglophones and francophones from all over the province. At the time, though, English and French were not on equal footing in New Brunswick.



“We wouldn’t be where we are today without that piece of legislation.”

Louis-Philippe Albert

Back in 1967, Louis-Philippe Albert was a young agrologist with the provincial Department of Agriculture who had arrived in Fredericton a few years earlier. He remembers the virtual absence of French in the capital city at the time. “People speaking French stood out like a sore thumb,” recalls Louis-Philippe. “They were considered foreigners.”

While Louis-Philippe’s boss showed little interest in his proposal, the young people were very receptive. Louis-Philippe dared to stick to his guns, and the conference was held in English and French. Other civil servants would not have had the guts to do it. But all that would change thanks to the first Official Languages Act. Daring would be replaced by exercising a right.

At the Heart of the *Official Languages Act*, the Notion of Equality...

In the 1960s, strong winds of change and equality were blowing throughout the world, including New Brunswick. The Premier, Louis J. Robichaud, undertook a vast program of social reform known as Equal Opportunity. Its goal was simple: ensure equal access to quality public services for all citizens. Those services (education, health, social services) had until then been provided by county councils through local taxation. Rich regions were able to offer quality public services while keeping taxes low, whereas poor regions struggled to offer the bare minimum while at the same time taxing the population heavily. To put an end to that inequality, Louis J. Robichaud’s government eliminated county councils, reformed taxation, and centralized public services within the provincial government.

For Robert Pichette, former Executive Assistant to Premier Robichaud, the *Official Languages Act* was a logical extension of that notion of equality. “Louis Robichaud knew he would bring in official languages legislation one day, but the timing was another story,” says the Premier’s former right-hand man. “That legislation was part of his social equality agenda.”

... and the Issue of National Unity

The notion of equality was also at the heart of the work of the Royal Commission on Bilingualism and Biculturalism, known as the Laurendeau-Dunton Commission. In 1963, the Commission began criss-crossing the country looking for ways to restore a degree of harmony between anglophone and francophone communities. One of its objectives was to recommend measures enabling the Canadian federation to develop on the basis of linguistic equality. In 1967, it recommended in particular that New Brunswick and Ontario designate English and French as official languages for their respective provinces.

Spurred on by the desire to recognize the equality of his province’s two official languages and contribute to national unity, Louis J. Robichaud seized the opportunity to make New Brunswick the first – and the only – officially bilingual province.

Laying the Cards on the Table

The Premier carefully prepared the minds of the public for the introduction of official languages legislation. He began by announcing his intentions in the Speech from the Throne of January 27, 1968. Next, a motion was debated in the Legislative Assembly. And on December 4, 1968, a White Paper outlining the content of the future legislation was presented to the members.

Entitled Statement on Language Equality and Opportunity, the White Paper set out in detail the



Robert Pichette

rationale of an official languages act. It described how the act would be implemented, indicated that financial support from the federal government would be necessary, and noted that the success of the undertaking depended as much on the population's goodwill

as on regulations. It even contained excerpts from an address by Queen Elizabeth II in favour of a harmonious dialogue between the communities: "True patriotism does not exclude an understanding of the patriotism of others..." The White Paper also sought to reassure those who might fear the effects of official bilingualism, stating that its aim was to ensure that "no unilingual New Brunswicker finds himself at a disadvantage in participating in the public life of our Province."

A First in Canada

At last, one fine day in April 1969, Premier Robichaud introduced Bill 73 dealing with New Brunswick's official languages. The document was short, consisting of only four pages. However, its content was dense. The bill stated that English and French were the official languages of New Brunswick and that both languages enjoyed equality of status and equal rights and privileges. And there was more. The bill provided that the provincial government had to serve citizens in the language of their choice when so requested. Before a court, citizens could be heard in their official language of choice. The bill also confirmed that classes had to be arranged such that the students' mother tongue was the chief language of instruction.

On April 12, 1969, after only a few days of debate, the members of the Legislative Assembly passed New Brunswick's first Official Languages Act, and they did so unanimously. The Leader of the Official Opposition, Richard Hatfield, and all of his members, supported the bill introduced by Louis J. Robichaud. New Brunswick therefore became the first province to declare itself officially bilingual, and in so doing, Fredericton stole the limelight from Ottawa: the Canadian Parliament passed the federal Official Languages Act a few months later.

One Act, Two Communities, a Variety of Reactions

As might be expected, the first Official Languages Act generated some very favourable reactions in the francophone community. As an article in the daily newspaper *L'Évangéline* put it, "After such a long time, it is hard to believe that, finally, French and English will be on an equal footing in New Brunswick, clearly and unmistakably." [Translation]. In the anglophone community, opinions were more varied. "The advancement of French aroused concern among certain anglophones," recalls Louis-Philippe Albert. "The fear of the unknown."

Jackie Webster was a journalist in Fredericton in 1969 and wrote regularly for *The Globe and Mail*. She remembers perfectly the atmosphere at the time. "It was a big story, because there was so much to write about. There were all kinds of different views," she says. "The Richard Hatfield elements saw it as absolutely correct, were very supportive, and they all saw the advantage of a second language. But out in the communities, they were not nearly so supportive. They had to be persuaded."



Jackie Webster

She also recalls the fears that the legislation raised. "Work was one of the things, and it is one of the things that is still there today. Will the unilingual anglophones lose their jobs or would we all have to be bilingual? The other was the cost. We are a poor province, and that costs us a lot of money. The third thing was the thing that we don't want to acknowledge, any of us; but we all have it in various ways: bias."

Louis J. Robichaud was well aware of the attitudes towards the French language. Robert Pichette remembers the day that the Premier, flushed with anger, walked into his office and commanded him to drive him to the Department of Fisheries. The Premier had phoned his Minister of Fisheries, who had a bilingual secretary. Believing that he was talking to her, Louis J. Robichaud had spoken French. But the person on the other end of the line was not the Minister's secretary. After a moment, she said to the man whose voice she had not recognized, "Speak white." A few minutes later, that young woman had the opportunity of meeting the Premier in person.

From Words...to Actions

While the enactment of the first Official Languages Act took only a short time, the same was not true of its implementation. That represented a challenge from the financial, technical, and human standpoints.

“The government couldn’t proclaim the whole thing because it didn’t have the money,” says Robert Pichette. “It had to ask Ottawa for help. Just imagine, all the province’s statutes had to be translated. That was a huge job. You can’t proclaim the fact that you have the right to be tried in French if the laws aren’t available in French.”

Another reason for the gradual implementation of the Act was the need to ensure that unilingual civil servants were not put at a disadvantage by the introduction of bilingual services for the public. It actually took until 1977 for all of the sections of the *Official Languages Act* to come into force. It was therefore up to Richard Hatfield, who won the 1970 election, to implement the fundamental parts of the Act, notably government services in both official languages.

The Power of Symbols

A number of people thought that the 1969 Act was more symbolic than practical. The slow implementation of the Act explains that to a large extent, as does the way it was presented. But symbols are powerful, and it is widely recognized today that the first Act marked the beginning of a major shift.

For Louis-Philippe Albert, this legislation led francophones to demand more. “At the time, we were losing the productivity of many francophone farmers who did not have access to technology transfer in their language,” he explains. “The 1969 Act legitimized the efforts we were making to offer them services in French. There were some deeply rooted habits that had to be changed, and francophones had to exercise their rights. The Act helped us to move things along. We wouldn’t be where we are today without that piece of legislation.”

Official Languages Professions

They work in the shadows. Their names go unknown. And their work is seldom recognized. Yet, official bilingualism is impossible without their services. Translators, interpreters and terminologists enable our two linguistic communities to talk to and understand each other. The 40th anniversary of the adoption of New Brunswick’s first Official Languages Act is an ideal opportunity to pay tribute to these people. Here are portraits of three lovers of language.

Wilfred Alliston

When he talks about his profession, Wilfred Alliston compares it to that of an acrobat. With good reason. Just imagine. An interpreter listens to the words spoken by someone and, at one and the same time, remembers them, translates them, and restates them in another language. Acrobatics, indeed.

Born in Fredericton, Wilfred started out as a teacher but found that it wasn’t for him. Having learned French, he sought to capitalize on his bilingualism. He decided to apply for a position as a translator/interpreter. He was successful and in September 1973 he received his first assignment. Wilfred doesn’t regret his career change. “It’s a profession that brings with it the opportunity and

the need to keep learning, and it’s that constant learning that makes life interesting, even exciting,” he said in perfect, practically unaccented French.

Wilfred was in charge of interpreter training for many years, so he knows the aptitudes that are required to exercise the profession. He says that, apart from an excellent command of languages and strong analytical skills, you need fast mental reflexes and the ability to work under pressure. “You also have to have a passion for words and a passion for learning,” he added. The profession has its difficulties as well. “It takes total concentration. That’s the most exhausting part for beginning interpreters. With time, you get used to it, but at the start, it’s very hard.”



Annette Pelletier and Wilfred Alliston in the interpreters' booth at the New Brunswick Legislative Assembly.

The extreme concentration required by the profession explains why interpreters work in teams of two or three and take turns at the microphone every half hour or every hour depending on the situation.

You could say that curiosity is what underlies this profession. "We talk about everything, so we have to be interested in everything," Wilfred continued. "That's the appeal of interpretation." He also emphasized that preparation is fundamental to success as an interpreter: "Before a conference, you have to know why the meeting is being held, what the issues are. And you also have to know the specific vocabulary that will be used."

As an interpreter at the Legislative Assembly of New Brunswick, Wilfred Alliston witnessed first-hand the political changes of the last 30 years. He believes that the *Official Languages Act* and other measures enabled New Brunswick's francophone community to take a giant step forward. "Before those measures, French was around, but more as a private language," he said. "People spoke French amongst themselves, but in public, they spoke English. It wasn't a public language, not to any extent. All that has undergone a major change." He gave as an example the conference of a major New Brunswick association that was held recently in Fredericton. "One of the speakers spoke almost entirely in French. That sort of thing would never have happened 40 years ago. There's been a tremendous transformation of mentalities, and simultaneous interpretation has a lot to do with that," Wilfred concluded.

Annette Pelletier

When she was a child, Annette Pelletier liked to listen to foreign-language programs on the radio. She didn't understand a word of what she was hearing in Spanish, but she was captivated by how the language sounded. And then one day, she saw some interpreters on television. Right away, she knew what she wanted to do when she grew up.

Born in Edmundston, Annette was one of the first female interpreters at the Legislative Assembly of New Brunswick. In fact, she embarked on that profession in 1971, just three years after the simultaneous interpretation service was established within this institution. She later worked in legal translation for a few years before returning to interpretation.

Annette likes to compare the job of a translator and an interpreter to that of an artist. "Translation or interpretation involves creation," she explained. "You're putting what someone else has said into another language."

Although her formal education ended a few decades ago, Annette feels like she is still at university. "Interpretation is a constant learning process. The variety is limited only by the number of conference topics. It's like university, but you get paid to go there." She explained that a knowledge of languages is not enough to be an interpreter. "You also have to know the culture that's associated with each language, because things are not necessarily seen the same way from one culture to another," she said. The fact is that interpretation consists in reproducing a message as it would be said in another language, not in transposing it word for word.

Does the interpreter ever draw a blank? Annette admits that it can happen, especially if someone is talking very fast. She explained that the context of a conference (what people already know about the topic) helps to compensate for any gap that might exist between what the person who is talking says and what is translated by the interpreter. But you can't always rely on the context. She recalls one day when an MLA asked a very simple question about "sangliers" [boars]. Her mind went completely blank. She couldn't remember what the animal was called in English, so she had to admit into the microphone that the word escaped her. One MLA misunderstood her admission and said that the interpreter hadn't understood the question! "We were no further ahead. I had to admit my ignorance a second time." Another MLA finally grasped the situation and gave her the translation.

Annette defines her work as being that of an artist, and with good reason. Interpreters have to more or less slip into the skin of the people whose words they are translating in order to express their thoughts, anticipate what they will say, and render their emotions. And sometimes, that can be tricky. Annette recalls a conference where a man was relating a deeply moving story. “It was someone who had had an extremely hard life, in part due to his own fault, and who had managed to overcome his problems,” explained Annette. “He was talking about these very painful times for himself, his wife and his children.” The interpreter had the words, but she could no longer get them out. She was all choked up. “My colleague and I passed the microphone back and forth several times during that conference.”

That reaction seems perfectly normal. After all, aren’t artists known to be sensitive souls?



Marion Macfarlane

At a very young age, when her family was living in Scotland, Marion Macfarlane fell in love with foreign languages. Today,

she indulges that passion by working as a translator at the Legislative Assembly of New Brunswick. She juggles words in order to translate the thoughts of our political representatives but also to facilitate communication among people.

The staff of Debates Translation (the translation service of the Legislative Assembly) translates many words – 1.8 million in 2007. Translating the Hansard, the record of the MLAs’ debates in the House, is an important part of their work. According to Marion, this is a very delicate task. “On the one hand, you can’t have an MLA saying something he didn’t. On the other, you have to avoid falling into the trap of word-for-word translation since that can make the text heavy, even incomprehensible. You have to render the same message while respecting the genius of the other language.”

Marion believes that every language is a window on the world and therefore a source of enrichment. She herself has had the opportunity to live in Europe, Africa, and the Middle East. In addition to English, her mother tongue, she has a command of German, French, and Latin. Generally, translators translate into their mother tongue. This is not the case with Marion, who translates mainly from English to French. According to her, one of the peculiarities of parliamentary translation is that the message to be translated is usually meant to be heard rather than read. “Speeches are crafted with a view to maximum aural impact and tend to be liberally sprinkled with catch phrases intended to stick in listeners’ minds,” she said. “Translators have first to check into whether an official English or French equivalent has already been coined, and if not, come up with a suitably snappy translation, a watchword that must then be adhered to faithfully in all future pronouncements in which it will, inevitably, recur.”

It’s well known that politicians often use a very colourful vocabulary. Marion added that this must be reflected in the translation as well. However, equivalents don’t always exist in the other language, and that makes the translator’s work even more difficult. And the expressions to be translated sometimes raise a smile... She gives the example of an MLA who compared the conduct of one of his colleagues to that of the likeable character Chicken Little, the chick with the anxious temperament. Several options were open to the translator, such as using the English name and providing a footnoted explanation, or using the adjective “alarmiste” [alarmist] or the expression “prophète de malheur” [prophet of doom].

Marion says that she has to translate texts on everything under the sun. “It’s a job where you learn a lot,” she said. But the variety of subjects also means that translators have to constantly add to the specialized vocabulary used in each area of activity (forestry, health, transportation). “You have to read a lot, and you have to read everything.”

What makes a successful translation? “It’s when you have the feeling that you’ve communicated the same message in an elegant fashion, that you’ve really facilitated communication,” said the translator. According to Marion, there are too many barriers in this world, and she, in her own way, is trying to knock them down by “facilitating communication,” as she so aptly puts it.

Testimonies



Languages: An Entry Visa to the World

Christie Dennison

Christie Dennison's parents enrolled her in the French immersion program because they wanted to give her every chance of success in a bilingual province. Mission accomplished. Today, thanks to her command of both official languages, Christie manages international development projects around the world. She is a true poster girl for French immersion in New Brunswick.

When asked about the challenges of learning a second language during the early school years, Christie Dennison sees none. "For me, it was something that offered advantages," said the young native Frederictonian. "It was part of learning."

All of her schooling took place in immersion, first at St. Dunstan's School, then at George Street Junior High School, and lastly at Fredericton High School. She therefore felt equipped to continue her studies in French and English at the University of Ottawa, a bilingual university.

The strong presence of two linguistic communities at this university and her participation in the House of Commons Page Program stimulated Christie's interest in the Canadian francophonie. She met francophones from across Canada and became friends with many of them. At the University of Ottawa, Christie studied political science and learned Spanish. Her BA in hand, the young woman left for Great Britain, where she obtained a master's degree in conflict resolution and peace studies. She felt she was ready to travel the world.

"I did a few internships, and I had the opportunity to work for the United Nations Development Programme in Uzbekistan, in central Asia. That was my first job in another country, and it was fantastic. I learned so much." Her work as a Gender and Development Advisor involved mainly participating in international committees that guided and supported local Uzbek organizations in promoting women's economic and social rights.

At the end of this first contract, Christie began looking for a new position. She found the perfect job, but it was in Senegal, a francophone country. Christie knew that her skills and her work experience made her an ideal candidate. Although she had never worked exclusively in French, that was no obstacle for her, so she went ahead and applied.

"They offered me the position. I went to Senegal for a year. It was a total immersion experience." In that country, Christie worked with groups of women in order to help them sell their products on local markets. The young woman really feels that this experience enabled her to improve her French tremendously. "Communicating effectively in a different cultural environment forces us to modify our physical and oral language," she said. "I communicated with my Senegalese colleagues mainly in French, because that was our only common language before I learned a little Wolof. They came from different ethnic groups and, like me, had learned French in school. A desire to collaborate on human development projects motivated us to overcome our cultural and linguistic differences."

While she was living abroad, Christie discovered that a consortium working in international development, SavoirSphère Canada – LearnSphere Canada, had its offices in her hometown. She got in touch with the organization. Then, she left the African continent and went to Haiti, where she worked for the United Nations for a few months. Finally, in 2006, Christie returned to Canada. Her contacts with LearnSphere panned out, and the organization hired her.

As Project Manager, Christie now works on international development projects that enlist the expertise of New Brunswick training firms and organizations. Naturally, her command of French is an undeniable asset. "Two of our largest international projects are in Cameroon, and they are francophone projects," she added. Christie believes that her immersion experiences, especially in Senegal, gave her a better understanding of the situation of francophones who live in a minority setting in New Brunswick. "It's not easy to live and work in a language other than your mother tongue," she said. "Even after attaining some level of proficiency in the other language, barriers still exist."

Although her current job enables her to travel on occasion, Christie would like to work abroad again one day. She already has the best entry visa: a command of several languages.



A Matter of Respect

Larry Nelson

A lifetime Moncton resident, Larry Nelson has been a close witness of the evolution of the two linguistic communities. Over the years, he has helped to build bridges between anglophones and francophones. For this businessman and respected community leader, serving a person in his or her language of choice is a simple matter of respect.

Larry Nelson grew up playing with anglophone and francophone kids. “Half my friends were French, half were English,” he said. He remembers being puzzled by the fact that some French kids, as they were called then, rarely spoke French in front of him. “I never realized that some went home at night and were told that the English people didn’t like them to speak French.” Things have changed a lot since then, Larry believes. “Many of my best friends are francophone, and when I’m with them, they speak French because they’re comfortable and they also know I’m comfortable. I know they’ll talk to me in my language if needed.”

Larry is a strong supporter of French as a second language. “We’re the only bilingual province, and this city is a bilingual city, so why wouldn’t you learn French?” wonders this well-known businessman. “My proudest moment was when my son got his Chartered Accountant, he did his internship in a Francophone firm. This [bilingualism] opens so many doors. Speaking both languages is an advantage everybody should have.”

As a kid, Larry Nelson wanted to play for the Aigles Bleus, the Université de Moncton’s hockey team. He didn’t have the opportunity because he started working right after high school. However, recognizing what the

Université de Moncton brings to the city, he became an important contributor to their fundraising campaign. “This community is as good as it gets because of the university.” He admits that a few people questioned him at first about his involvement with the francophone institution. His answer was simple: “I don’t have time for that.”

As president of Groupe Lounsbury Group, Larry makes sure that front-line staff are bilingual. “If you’re going to serve a community, you have to be able to serve them in their language.” It’s worth noting that signs on the Lounsbury Furniture Store on Mountain Road are in both languages. “I do it out of respect for the fact that we’re in a city that is bilingual.”

Larry is also known for his strong spirit of cooperation. A few years ago, when he was asked to be the chairman of the Friends of The Moncton Hospital Foundation, he told the board that the first thing he’d like to do was a campaign with the Dr. Georges-L.-Dumont Hospital Foundation. He was told that the two foundations had their own activities. That didn’t keep Mr. Nelson from talking with his counterpart. Both foundations saw the benefits of working together, and the *Hand and Hand - Main dans la Main* lottery was launched.

Asked for his thoughts about the application of the *Official Language Act* and language policies, Larry Nelson’s reply was very simple: “You have a policy, manage it. Don’t allow people who are supposed to be able to speak both languages at the front desk to be there if they can’t speak both languages. Saying I don’t speak French isn’t an answer.”

Respect. A key word for Larry Nelson in making sure both official languages are treated equally. “It’s a two-way street: if you give respect, you get respect,” he concluded.



The Richness of Languages

Maria-Laetitia Uwimana

Maria-Laetitia Uwimana is well aware of the challenges associated with learning languages: she speaks four of them. For this young immigrant, each language is a key to exploring a cultural universe.

Laetitia grew up all over the world, at the whim of the assignments that her diplomat father received. Born in Rwanda, she spent her early years in Canada. She then lived in Japan and Switzerland. At home, French was spoken along with Kinyarwanda, Rwanda's national language, and a little English. When the family returned to Rwanda in 1990, Laetitia had to quickly become more proficient in Kinyarwanda in order to continue her studies. "It's a tonal language, one in which the intonation employed is very important," she says. "Depending on how you pronounce the word *umuryango*, for example, it means family or door."

Soon after their return, civil war broke out in Rwanda. Laetitia's family had to flee the country in very difficult circumstances and wound up in the Congo, then Togo.

Thanks to being sponsored by relatives already settled in Canada, Laetitia, her husband, and her little girl arrived in Fredericton in November 2005. She knew little about New Brunswick, but she did know it had two linguistic communities. "When I was in Africa, I had heard about Acadia over the airwaves of Radio France Internationale. I found that very interesting, because for me, francophone Canada meant Quebec."

The young family faced several challenges: housing, work, child care. Laetitia's husband had to improve his English rapidly in order to find work. As for Laetitia, her command of French and English enabled her to get a job. Shortly after, she was hired by the Office of the Commissioner of Official Languages for New Brunswick.

The concept of official languages is not totally foreign to Laetitia. Her years in Switzerland had accustomed her to the use of several languages in one country. In her homeland, the official language, French, coexisted with the national language, Kinyarwanda.

Today, Laetitia is an investigator. Her work consists in dealing with the complaints received by the Office of the Commissioner of Official Languages. "We gather the facts surrounding the complaint and ask the institution concerned to respond. Once all of the information has been gathered, we analyze it, and the Commissioner makes a decision."

Despite her job and her children, Laetitia finds the time to attend the University of New Brunswick in Fredericton on a part-time basis. As might be expected, she is very interested in languages. Her studies give her the chance to work on her Spanish.

"I prefer to speak to someone in his or her mother tongue. To people from Latin America, I speak Spanish; to a Rwandan, I speak Kinyarwanda; to an anglophone, English. That builds stronger ties." She also believes that the use of a person's mother tongue makes it easier to grasp subtleties of thought. "In my opinion, ideas are best expressed in your mother tongue, and there's nothing like having someone speak to you in that language."

At home, her children are learning three languages simultaneously: French, Kinyarwanda, and English. "For me, each language makes you richer," she stated.



Familiarity Breeds Understanding

Antoine Landry

Caraquet mayor Antoine Landry is an Acadian who is proud of his roots and his language but is also open to other cultures. In other words, he is a man who encourages dialogue.

Antoine Landry firmly believes in the importance of dialogue, and for good reason. His ancestor, Alexie Landry – one of the founders of Caraquet – benefited from it enormously. "He was one of the few bilingual Acadians," Landry says. "Some English soldiers he did business with tipped him off to Lawrence's strategy

to deport the Acadians, giving him the opportunity to escape. It took him two years to get to Caraquet. If not for the Mi'kmaq, he would have perished in the forest."

Over the years, Landry has always sought to promote respectful dialogue between the province's two linguistic communities. Very active within Dialogue New Brunswick's Ambassador Program, he initiated exchanges between the municipalities of Caraquet and Saint John. He believes those meetings made it possible to correct certain perceptions. "Representatives from the city of Saint John were afraid no one would be able to speak to them in their language," he says. "But of course we had bilingual ceremonies. Now they no longer view the Acadian Peninsula in the same way."

For the mayor of Caraquet, the adoption of New Brunswick's first official languages legislation in 1969 contributed greatly to the vitality of the French language. "We took a giant step forward," he says. At the time, Landry was Caraquet's town clerk. "For the first time, we would be able to communicate with the government in French."

A few years previously, Landry was the town's police chief. He says that using English exclusively posed major problems. "When I went to court, I had to express myself entirely in English; I had to write all of my documents in English. That was a handicap for us since poorly translated technical details often caused us to lose cases."

Today, Landry devotes considerable effort to increasing immigration to his town. "Our birth rate is low," he says. "That's why we've been working very hard on immigration over the past two years." The mayor makes a point of finding out the origins of the people who immigrate to his town, because he believes familiarity with several different cultures enriches people's lives. "There's an African proverb that says a people without culture is like a zebra without stripes." He then adds, "Take away a zebra's stripes and what you're left with is a donkey."

Landry notes that the vitality of the French language is a daily struggle, adding that francophones often tend to switch to English even when it's not necessary. "Today, there are lots more anglophones who speak French than you'd think. And when we speak French, they reply in French," he stated.

For Antoine Landry, harmony between the two linguistic communities is based on dialogue. "We're the only officially bilingual province," he said in conclusion. "Efforts have to be made on both sides."



Perpetuating a Heritage

Sandra Christopher

Corporal Sandra Christopher works with the Truth Verification Section of the Royal Canadian Mounted Police. Her work tools are the lie detector (polygraph) and words. When she talks about official languages, the depth of her sincerity comes shining through.

Sandra Christopher grew up in Riverview in a family where English predominated. "I would sometimes hear my mother speaking French, but that wasn't part of our daily lives," she said. Still, her parents decided to enrol her in the immersion program and then in a francophone school. "I better appreciate the gift my parents gave me in sending me to French school," Sandra said.

The path followed by Sandra is rather unusual. After studying English literature, she obtained a bachelor's degree in education. She taught for a few years in a French immersion program. Then she decided to join the ranks of the Royal Canadian Mounted Police. Very early in her new career, the young police officer was transferred to New Brunswick. Sandra clearly recalls the surprised looks of drivers who, after noting the name Christopher on her badge, asked for service in French only to obtain it immediately. "I was always happy to speak to drivers in French," she said.

After working as an investigator and information analyst, Sandra moved to Truth Verification. Her work consists in administering polygraph tests. "The test results are not intended for court purposes, they provide focus for investigations and eliminate suspects," she said. It's noteworthy that the police officer gives these tests in English and in French, which requires an excellent command of both languages and a good measure of concentration. "I have to react to what someone tells me," she mentioned. "You have to be able to think and express yourself quickly." She remembers very well the first tests she administered in French. "I was exhausted but very satisfied."

To maintain her proficiency in French, Sandra uses various methods. "I speak to my children in French. I listen to French radio, and I try to read in French. That helps me a lot with my vocabulary. At work, I try to write my reports in French. That's not always easy, but I make the effort."

When it came time to enrol their children in school, Sandra and her husband opted for French school. In addition to wanting to give their children the advantages associated with speaking both official languages, the couple also wanted to pass on a heritage that had already been lost to a considerable extent in their own family. "I have plenty of cousins, Leblancs and Landrys, who aren't able to speak French." Sandra realizes that the act of sending her children to French school makes them rightholders, or persons who will later be able to avail themselves of the right to send their own children to French school. "We want to perpetuate our heritage," she said.



"My dream is that language barriers will be a thing of the past."

Albert Grant

During an interview for a position as a French immersion teacher, Albert Grant was asked if he would be willing to teach in Blackville. His nervousness and poor grasp of English led him to offer this reply: "Certainly, I'm not a racist." Well, you can guess the reactions of the selection committee members. But that was just one question among many. The young man was hired and, since then, has acquired a good command of English, learning his second language while teaching French.

Albert Grant earned his Bachelor of Education degree from the Université de Moncton in 1986. He didn't have to search for a job for very long. "In the 1980s, immersion was all the rage," he recalls. "The demand for teachers was very high." He was offered a position at Miramichi High.

"My English was very limited, so it was a challenge," says this resident of Val-Comeau. He remembers the morning announcements, which he didn't always understand. "My students were fantastic. They realized

my weaknesses, and that helped them get over their fear of speaking French to some degree. So we were there to learn. I learned from them, and they learned from me."

Albert took advantage of lunch hour to improve his English. He joined a group of teachers from the industrial department, who were delighted to help the newcomer. "I felt accepted from day one."

For 21 years, Albert taught French to immersion students. For the past two years, he has been teaching in the intensive French program at the school in Brantville. Despite his 23 years of experience, he thinks there is always something to learn.

"Yesterday's students aren't the same as today's," he says. "Their needs aren't the same. You have to adapt. The important thing is to be human and to be fair." How can you get students interested in a second language? Albert explains that you have to find some way of grabbing their attention. "You have to find the pulse of your group. Once you find it, you can exploit it. It comes with experience," he stated. Passion is definitely the key. "If the teacher isn't motivated, the students will never be."

While Albert admits that parents play a major role when it comes to their child enrolling in immersion, he believes that many students come to grasp the importance of speaking both languages after a while. "Personally, it wasn't until I reached my early 20s that I started to realize the importance of speaking English," he says.

Albert believes that immersion and second-language programs have furthered not only the French language but also harmony between the two linguistic communities. "Immersion programs have really helped French in New Brunswick," he says. "People are much more open-minded than before. I believe our society is more accepting of language differences. My dream is that, someday, language barriers will be a thing of the past; that everyone will be bilingual."



“My Place Is Here!”

Khalid Badrezzamane

It's hard to believe that Khalid Badrezzamane left Casablanca and its mild climate for Canada. But this French teacher who came to New Brunswick to learn English and decided to stay isn't complaining. He raves about the warmth of New Brunswickers.

When he arrived in Montreal in March 2002, Khalid Badrezzamane quickly realized that his chances of finding a job were slim without a Canadian diploma. He therefore enrolled in the bachelor's program at the École des Hautes Études Commerciales, where he heard that second-language monitors were being recruited – an opportunity to work while learning English, he told himself. “It was important for me to learn English in order to improve my chances of finding a good job,” he explained. “And also because English is a very important language, not only in Canada but around the world.” His application was accepted, and he was asked where he would like to work. “I requested a small place where people spoke English,” he says. And that's how this native of Morocco arrived in St. Stephen, New Brunswick, in October 2004. There, he helped students learn French, while he learned English.

Khalid had not planned to stay in New Brunswick. He was actually supposed to spend a year learning English and then go back to Montreal. But the warmth of New Brunswickers left an impression on him. “I received five invitations to social events during my first month in St. Stephen,” he says, still surprised. “I'd never thought I could live anywhere other than Montreal. But after meeting the locals and seeing the personal and professional opportunities available to me, I decided that my place was in New Brunswick.”

After two years at the school in St. Stephen, Khalid accepted a position as a part-time language skills evaluator, which required him to travel across the province. He still has a lasting memory of his first experiences driving a car in snow. He was then hired

by a private school and went to Woodstock to teach French. There, his English improved considerably. But after two years in that town, he missed French, so he requested and obtained a transfer to Moncton. Since 2008, Khalid has been teaching French at a private school in Moncton and for the Multicultural Association of the Greater Moncton Area (MAGMA). “Here in Moncton, I can speak French, I can speak English,” he says.

Khalid's mother tongue is Arabic, but in a way, French is his second mother tongue. He explains that French is very important in Morocco, particularly in the private sector. “If you don't speak French, you have no hope of finding a good job with a private company,” he says. He adds that he was surprised by the variations in the French spoken in New Brunswick and Quebec. However, he notes that there are similar variations in Arabic.

Today, Khalid has no trouble expressing himself in English, his third language, although he's still very attached to French. “I consider it my language even though it's my second language.” He's aware of the challenges facing French, but he's confident. He believes that pride in the French language has to be cultivated and that an effort has to be made to speak it well. He also believes that francophone communities throughout Canada have to work together more to promote French all across the country. “French is my identity and my pride,” he declared.



People are talking... about Official Languages was produced by the Office of the Commissioner of Official Languages for New Brunswick with the financial support of the Government of New Brunswick.

The text of this document may be reproduced, on the condition that the source is acknowledged: Office of the Commissioner of Official Languages for New Brunswick.