

OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

OFFICIAL LANGUAGES IN NEW BRUNSWICK: PROFILE, CHALLENGES, AND OPPORTUNITIES

A speech by the Commissioner of Official Languages for New Brunswick,
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on the occasion of
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Check against delivery

Ladies and Gentlemen,
Good morning.

I am very pleased to have this opportunity to talk to you today at this conference on languages, messages, and ideologies.

When we talk about official languages, we are talking about messages, perceptions, opinions, and myths. Believe me, we are well aware of this at the Office of the Commissioner. In a way, we are at the centre of the discussions and conversations on everything involving official languages and linguistic duality.

When we talk about official languages, we are talking about a symbolic aspect, i.e. the status of one or more languages in a given area. We are also talking about the practical aspect, i.e. access to government services in the individual's language of choice. And as you all know, there is often a gap between the symbolic and practical aspects that still exists today.

During this presentation, I would like to paint a picture of the evolution of official bilingualism in the province. This picture will highlight our progress as well as the challenges and opportunities that remain. It will also show the impact of government messages on the evolution of official bilingualism in the province.

Part one: One Act, two messages

Let us begin...at the beginning.

In the 1960s, the winds of social change were blowing throughout the world, including New Brunswick.

When the Liberal government of Louis J. Robichaud took office, it marked the beginning of sweeping changes in all of our province's sectors.

In the wake of the recommendations of the Royal Commission on Bilingualism and Biculturalism, the Legislative Assembly of New Brunswick enacted its first official languages act on April 12, 1969, a few months before the first federal legislation was enacted.

This Act recognizes:

- the equality of the English and French languages within provincial institutions;
- the right to French-language and English-language instruction; and
- the right to a trial in one's language of choice.

However, the implementation of this first Act was very slow. In fact, the most important provisions of the Act, those related to services to the public, only came into effect in 1977.

Despite that, it should be noted that the 1969 Act marked the beginning of a remarkable evolution in the recognition of the French language in our province. In addition to redefining our collective identity (who doesn't know that New Brunswick is the only officially bilingual province in the country?), the 1969

Act supported a social transformation that enabled the French language to make significant progress in all sectors: public service, education, health, justice, etc.

When you talk to New Brunswickers who were 20 years old in 1969, they will confirm that the French language has progressed considerably. In fact, the 1969 Act was the first element of a major legislative framework that protects the language rights of citizens.

Second pillar: *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*

In 1981, the Legislative Assembly adopted the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*.

Why is this Act important?

Well, because it gives each linguistic community the right to distinct cultural, educational, and social institutions. This new Act therefore added a collective dimension to individual rights guaranteed by the *Official Languages Act*.

Third pillar: The Canadian Charter of Rights and Freedoms

Then, in the 1980s and 1990s, elements of those two statutes (the *Official Languages Act* and the *Act Recognizing the Equality of the Two Official Linguistic Communities*) were added to the Canadian Charter of Rights and Freedoms, which allows for greater protection and continuity of these language rights.

The importance of discourse in the evolution of language rights in New Brunswick

Does this mean that everything is perfect in the best of bilingual worlds?

No. As I mentioned earlier, despite an entire legislative framework, language rights of New Brunswickers are not always respected. How can such a situation be explained?

Several factors come into play. In my view, one such factor is the governmental discourse on official languages.

Let's go back, if you will, to 1969.

It is very interesting to read the newspaper articles written when the first official languages act was passed. We see the appearance of what I call double talk on official languages, i.e. a discourse that states the importance of language rights while minimizing its implications.

In fact, the day after the tabling of the official languages bill, April 9, 1969, the following headline appeared in one of New Brunswick's English daily newspapers:

"Premier Sees Little Change In Practice."

In the same article, the journalist wrote:

“... asked if bilingualism will become a higher prerequisite for government employment, the Premier said that bilingualism ‘might be helpful but definitely not essential.’”

Of course, we can understand that the government of the day wanted to reassure members of the majority on the impact of this first Act. Employment is an important aspect of people’s lives, and we can easily imagine the reactions that might have been brought on by any discourse threatening the livelihoods of New Brunswick’s unilingual civil servants. Progressive action had to be taken. Everyone would understand.

The problem is that nearly half a century later, we still hear the double talk, which complicates the understanding and the achievement of the objectives of the Act.

Hence, when the provincial government launched a competition to fill the positions of Ombudsman and Child and Youth Advocate last year, believe it or not, the ad specified that bilingualism was considered an asset.

Thus the double talk: On one hand, government tells us to be proud we live in the only officially bilingual province, then on the other, does not require bilingualism for key positions such as Legislative Officers.

Fortunately, the two people chosen for those positions were bilingual.

A new Act that illustrates the challenges ahead

Fortunately, the courts do not deal with doublespeak.

As I mentioned earlier, the province has an extensive legislative framework to protect the language rights of New Brunswickers, which enables the courts to require the government to ensure a consistent message.

The law is the law and it must be enforced.

That is precisely what happened in the early 2000s when the court ruled in favour of Mario Charlebois in his case against the City of Moncton. And that ended in the passing of a new official languages act in 2002.

The 1969 official languages act contains four pages, whereas the 2002 version has 16.

It is a sign of progress and a more affirmative statement.

The active offer: message reversed

It should be noted that the Act passed in 1969 required New Brunswickers to request service in their language, which many hesitated to do in a minority context. As there were few requests for bilingual services, the organizations covered by the Act did not make the necessary effort to make their services bilingual.

The result was a clear lack of services in French, especially in Francophone minority communities. The new 2002 Act thus introduced the principle of the active offer of service which means that since 2002, provincial departments, Crown corporations, hospitals, policing services and the courts have had the duty to inform New Brunswickers that their services are available in both official languages. In other words, New Brunswickers no longer have to ask for service in their language; the institutions have to offer it.

Organizations that were not in the habit of fulfilling their legal obligations were faced with a considerable challenge. They had to learn how to meet the challenge, because the new 2002 Act also led to the establishment of a Commissioner of Official Languages position to ensure compliance with the Act and further promote the advancement of French and English.

Official bilingualism: an accepted reality in our province

In 2009, the Office of the Commissioner of Official Languages for New Brunswick took part in an important survey on bilingualism.¹ The results of the survey were very interesting.

Four out of five (82%) New Brunswickers reported that they support the concept of an official languages act.

Although there is a difference in the support according to mother tongue, the vast majority of both linguistic groups, i.e. 75% of Anglophones and 97% of Francophones in New Brunswick supported the Act.

The survey also shows that our two linguistic communities do not always have the same perceptions regarding other aspects of official languages. For instance, 55% of Francophones believe that the future of the French language is threatened, whereas only 22% of Anglophones share that opinion.

That last percentage, 22%, is very telling.

It means that nearly 80% of New Brunswick Anglophones believe that the French language is not under threat. It is therefore not surprising that we still hear criticisms against duality in education. If the French language is not under threat, why would we need homogeneous French-language schools?

Part two: Official bilingualism and linguistic duality – an incomplete message

In reviewing newspaper articles from the past few years, it is evident that the rationale for duality in education, or if you prefer, the existence of two school systems (one Francophone, one Anglophone), is not well understood. In that respect, the 2012 statements of former President and CEO of Loblaw and former Chancellor of the University of New Brunswick Richard Currie revealed the scope of this misinterpretation.²

Mr. Currie explained that in order to make faster progress toward bilingualism and to reduce government spending, Francophone and Anglophone children should be educated in the same schools. This statement, which was widely reported in the media and resulted in more articles and editorials against duality in education, led Denis Losier and a hundred or so prominent Acadians and Francophones to publish an open letter to set the record straight.³

Strangely enough, there was very little reaction from government during the entire debate. It was a missed opportunity to explain the rationale for duality in education.

In my view, the misinterpretation surrounding the importance of duality shows that the provincial government is sending out a very incomplete message on bilingualism and biculturalism.

In fact, for some time now, the government's message on official languages has focused mainly on the delivery of government services to New Brunswickers in both official languages.

This message has often neglected to mention that while our two official languages are equal, they are not faced with the same challenges, namely the issue of the vitality of the minority language.

This message has neglected to say that equality of the two official languages and the two communities does not always mean equal treatment, because equal treatment can in fact perpetuate inequalities.

This message has neglected to say what political science professor Don Desserud said so well, which is:

“Societies cannot ensure the equality of linguistic communities passively, because it is rare that such communities will be equal in strength and power. Minorities are always at risk, for no other reason than the fact that majorities have such an overwhelming impact on culture and shared experience. This is why liberal-democratic societies, through the State, take measures to protect such communities. In turn, this includes taking positive measures to ensure that minority communities have the educational and other cultural resources necessary for their survival and prosperity.”⁴

Part three: Towards a global approach

What surprises me the most in the government's message on official languages is that for far too many years, it has neglected to mention that a minority language's vitality is determined by several factors.

A solid Francophone identity

In light of the continental and even world dominance of the English language, how can we give young Francophones the desire to speak French? Therein lies the challenge of identity building, a complex yet unavoidable issue, and one that the schools have been tackling for several years now. It should be noted that in general, people's identities are no longer Francophone or Anglophone – they can also be bilingual. That's my identity.

My mother was an Anglophone and my father, a Francophone. I grew up in a home where both languages and both cultures were present in a totally equal way.

It was the result of the proximity of the languages in one area (in my case, Moncton) and a phenomenon that is becoming more common, i.e. exogamous or dual-language couples.

In a Statistics Canada survey on the vitality of official language minorities,⁵ the report's authors stated that there is a link between the proportion of French-speaking people in an area and the identification with one of the two linguistic groups.

Northern New Brunswick has the largest proportion (73%) of French-speaking adults who mainly identify with the Francophone group. In the southeastern and other parts of the province, these proportions are smaller at 52% and 38% respectively.

The number of adults who identify with the two groups equally is higher in northern New Brunswick than the rest of the province, where the proportion of French-speaking people decreases.

How can we ensure that a bilingual identity becomes a factor in the vitality of the French language rather than something that weakens it?

That is the question.

The importance of perceptions

In my opinion, perceptions are to a large extent related to the impressions people have of their language.

In a paper dealing with the concepts relating to linguistic insecurity, researchers Annette Boudreau and Lise Dubois state:

[Translation] "Sociolinguists agree that linguistic behaviours cannot change unless we address the impressions that speakers have of their language."⁶

Further on, they write:

[Translation] “Moreover, these impressions depend on the community's history as well as the socioeconomic conditions in which they have evolved.”⁶

I dare say that these impressions are also related to the concrete reality, i.e. the use of language in daily life.

Language of work

Language of work is a good example.

If one language is predominant at work, the other loses its relevance – all of which has an effect on impressions.

In 2009, the provincial government adopted an improved policy on the language of work in the public service.

It stipulates that day-to-day communications between a supervisor and an employee must be in the official language chosen by the employee.

Even if a civil servant has this right, that person may have trouble working in his or her language in a minority setting. After all, we must not forget about peer pressure and organizational culture.

That is why it is insufficient to give civil servants the right to work in their language; we need to create a work environment that is conducive to the use of that language. This can be achieved through a transformation of the organizational culture, or if you prefer, language planning.

Commercial signs: an important aspect of a language's vitality

Commercial signs are another example of a factor that influences the impressions of a language.

The former Executive Director of the Canadian Institute for Research on Linguistic Minorities, Rodrigue Landry, said in December 2008:

[Translation] If a Francophone majority community, for example, in its municipal territory, accepts that its language has little presence on commercial and public signs, it accepts that English is the high language and French the low language; English, the legitimate language in the public square, and French, a private language used only for informal meetings and among relatives.⁷

In other words, language specialists believe there is a link between the signage and a given community's linguistic practices and that it is important for a minority group to see its language represented in the public space on a daily basis.

Immigration

As we know, the low birth rate and aging population present a formidable challenge for the future of New Brunswick's Francophone community. Yet, New Brunswick's Francophone community does not benefit from immigration as much as the province's Anglophone community. In the long term, that could result in a decrease in the demographic weight of Francophones.

We have taken a number of steps to try to convince the provincial government to adopt strong measures to remedy this situation, and I am delighted that there is an action plan for Francophone immigration now in place. That said, it is unfortunate we had to wait until 2014 for such a plan to be drawn up.

Taking advantage of official bilingualism

Bilingualism is one of the main competitive advantages of New Brunswick. In fact, over the past 30 years, bilingualism has led to considerable investments from companies and the creation of jobs. Customer service centres, regional headquarters (e.g. Atlantic Lottery Corporation), and the language industry (e.g. translation) are just a few examples of this.

It should be noted that New Brunswick has more people working in the occupational group of translators, terminologists, and interpreters than any other province or territory in Canada, apart from Quebec.⁸

Developing this language industry could have a major impact on the vitality of the French language in New Brunswick. Where is the development plan for this industry?

An integrated approach to language planning

In my view, this province lacks a comprehensive plan to ensure the vitality of the French language, a plan designed to strategically influence all of these factors associated with vitality. In that regard, I am delighted to see the adoption of the new linguistic and cultural development policy for the Francophone school system.

This is an example of something that could inspire our province to adopt a broader approach to meet the challenge of safeguarding the vitality of the French language in New Brunswick.

Reassuring messages

At the start of this presentation, I painted you a quick picture of the evolution of the legislative framework for language rights. The language rights of New Brunswickers are entrenched in the most important piece of legislation in the country, i.e. the *Canadian Charter of Rights and Freedoms*. That's something... Despite the importance of these legal protections, I cannot help but wonder if they sometimes create a false sense of security.

A language is first and foremost something that people use in their everyday life.

Individual efforts are just as important as collective ones in helping a language to flourish.

- What about the perception that Francophones have of their language?
- How can we individually seek to enhance the vitality of the French language in this province?
- What are we doing to encourage Francophones and Francophiles to speak French in all spheres of activity?
- Are we cultivating a sense of belonging to the international Francophonie?
- Are we doing enough in our daily lives to take advantage of our language rights?
- When dealing with businesses, do we ask for service in our language?
- What do we do to overcome linguistic insecurity?

So many questions that deal with another basic component of the vitality of a language, and perhaps the most important, the individual.

Conclusion

1969-2014: 45 years of official bilingualism in New Brunswick

Over the past 45 years, there has been tremendous progress with respect to official bilingualism in New Brunswick.

This progress is based first and foremost on the commitment of men and women as to the importance of protecting and bolstering the French fact in New Brunswick. I dare say that the future of official languages in New Brunswick relies first and foremost on ongoing citizen engagement.

Thank you.

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References

¹*Language and Society in New Brunswick*. Continuum Research, August 2009.

²A prominent Canadian business leader says it's time New Brunswick did away with separate school and health systems in English and French. Richard Currie, the retired president of grocery powerhouse Loblaw's and George Weston Ltd., says the province should focus instead on making its citizens truly bilingual. (*Telegraph Journal*, October 15, 2012)

³Excerpt from the letter from some 100 prominent Acadians, published in the November 6, 2012 issue of *L'Acadie Nouvelle*:

[*Translation*] Over the last year, and especially over the last few months, a number of editorials have been published in the *Times & Transcript* and the *Telegraph Journal* on the topics of health, education, bilingualism and duality. In most of these cases, the arguments used were either misinterpretations of facts or simply wrong and they have contributed to stoking the flames of discontent, thereby creating unnecessary division and increased tensions between communities.

⁴ *Living Together with Two Languages*, a brochure from the Office of the Commissioner, (http://www.officiallanguages.nb.ca/sites/default/files/imce/pdfs/living_together_in_two_languages-july_17_2014.pdf)

⁵*Minorities Speak Up: Results of the Survey on the Vitality of Official-Language Minorities 2006*, catalogue no. 91-548-XIE. (published in Dec. 2007) (<http://www.statcan.gc.ca/pub/91-548-x/91-548-x2007001-eng.pdf>)

⁶A. Boudreau and L. Dubois, "Représentations, sécurité/insécurité linguistique," in *Francophonie, minorités et pédagogie*, ed. Sylvie Roy and Phyllis Dalley (Ottawa: Presses de l'Université d'Ottawa, 2008), p. 145-175.

⁷*L'Acadie Nouvelle*, December 2, 2008

⁸2011 National Household Survey
(<http://www12.statcan.gc.ca/nhs-enm/index-eng.cfm>)