



Investigation Report

FILE NUMBER 20-21-207

INSTITUTION IN QUESTION Horizon Health Network

SUBJECT Alleged deficiencies in the provision
of services in French

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**REPORT DISTRIBUTED TO THE
FOLLOWING PERSONS** Premier
President and CEO of Horizon Health
Network
Clerk of the Executive Council Office
Complainant

ISSUE DATE July 2021



Summary

This report was written following an investigation of a complaint about the Horizon Health Network (the institution). More specifically, the complainant alleges she was unable to obtain services in French at the Saint John Regional Hospital.

After carrying out this investigation, we conclude that the complaint is **founded** and the institution has failed to meet its linguistic obligations under the *Official Languages Act* of New Brunswick (OLA). We therefore make the following recommendations:

- THAT the institution make an active offer to patients, so patients are not obliged to ask;**
- THAT the institution ensure that a patient's choice of official language be respected throughout their time in any of the healthcare facilities under its authority;**
- THAT the institution check, as it has indicated, all documents distributed by the dialysis and kidney transplant department ensure that, regardless of their origin, these documents are available in both official languages at all times;**
- THAT the institution implement a clear, precise procedure in order to meet its linguistic obligations under section 29 of the OLA at all times, in particular by obtaining from a third party the French version of a document belonging to the third party or by obtaining the third party's agreement to have the document in question translated as soon as the aforesaid document has been obtained;**
- THAT the institution assign the same importance to both official languages and that it print all documents provided to the public by the dialysis and kidney transplant department in two columns or on both sides of the page;**
- THAT the institution ensure that in the future each unit and department print all documents for members of the public in two columns or on both sides of the page;**
- THAT the institution ensure that all communications of the dialysis and kidney transplant department, including telephone, written, and e-mail communications, be in the official language chosen by the patient at all times without undue delay; and**
- THAT the institution continue to carry out qualitative measures in the years between the New Brunswick Health Council survey and that it increase the number of respondents so the results will reflect the reality throughout its health network.**

Complaint

Upon filing her complaint with the Office of the Commissioner, the complainant asked us to communicate with the official languages advisor of the Horizon Health Network, with whom she had filed her complaint previously.

During our conversation with the advisor, he shared the details of this complaint with us. The complainant's allegations are as follows:

The complainant informed us of several deficiencies in the delivery of services in the official language of her choice that occurred during the summer and fall of 2020.

It is important to specify at the outset that the complainant's preferred official language is identified as French in her medical record at Horizon.

Security and Facility Access Control Department

At around 3:20 p.m. on November 6, 2020, the complainant went to kiosk 3 at the public entrance of the Saint John Regional Hospital to answer screening questions related to the COVID-19 pandemic. The complainant was greeted in English only, and no active offer was made.

At around 11:00 a.m. on November 10 and December 1, 2020, also at the public entrance, the complainant did not receive a greeting or offer of service in French.

Day Surgery Department

A preparatory operation was required for kidney dialysis. The complainant initially had an appointment planned for late November 2020. Owing to a cancellation, the pre-operative department called the complainant to offer to move her appointment ahead to November 23. During that call, the employee spoke French, but at no time did she offer service in French for the day of the operation. The complainant thinks this failure was the trigger that led to a chain of events endangering her safety due to a language barrier.

Indeed, it would seem that on the day of the operation, a major confusion occurred concerning the complainant's presence. A discussion about a blood transfusion occurred between the healthcare professionals, and the complainant understood only snatches of information. In view of this significant lack of understanding, the complainant felt at a disadvantage and began to cry. In the operating room she exclaimed, "Mais, je suis francophone!" (But I am Francophone). No solution to improve communication was offered to her.

On December 7, 2020, the operation to prepare for dialysis had to be attempted a second time. For a reason unknown to the complainant, the attempt of November 23 was a failure. This time, a bilingual nurse was to be present to help the complainant understand the procedure.

Unfortunately, the nurse did not come to work that morning, so the complainant had to accept a telephone translation service. The telephone did not have a loudspeaker, so an incessant exchange of the receiver therefore occurred between the nurse and the complainant. This severely complicated the flow of a conversation made up of questions and answers. The direct consequence of this way of proceeding was a delay of an hour and a half to admission to the operating room.

Dialysis and Kidney Transplant Department

On July 28, 2020, the medical team informed the complainant that she would need a kidney transplant. The complainant was informed that she would receive a package of important documents for patients awaiting a kidney transplant. The information includes a set of precautions to take before, during, and after such a procedure.

In early November 2020, the complainant received a binder with several documents, most of which were in English only. Her language preference had not been respected, and vital information was conveyed by Horizon in a language that the complainant did not fully understand, especially medical terminology.

In view of these repeated deficiencies that could result in grave consequences for the safety of patients of the Horizon Health Network, the complainant decided, on November 5, 2020, to file a complaint with Horizon. On November 9, the complainant received most of the documents in French by registered mail.

The complainant also received two different letters from the dialysis department in English only. Once again, her preferred language, duly identified in her medical record, had not been respected. According to the complainant, she was informed that the documents had been sent to Halifax to be translated. After receiving this documentation in French on December 11, 2020, the complainant decided to file an official complaint with the Office of the Commissioner of Official Languages.

The complainant's path is admittedly difficult and far from over. Her main motivation, aside from her own experience during her current journey, is to ensure that the Horizon Health Network provides all current and future patients with services of equal quality in both official languages. The complainant says she hopes that the people who follow on the same path will not stumble as many times as she did.

Investigation

Investigation Under Subsection 43(13) of the OLA

After the complaint was filed, we issued a notice of investigation to the President and CEO of the institution on February 18, 2021, pursuant to subsection 43(13) of the OLA. In that notice, we asked the institution to provide us with its assessment of the facts concerning the allegations made by the complainant and to answer a series of questions.

The questions asked by the Office of the Commissioner and the answers provided by the institution on March 29, 2021, as well as its assessment of the facts, are as follows:

1. Please provide a detailed description of the language rights training and reminders received by employees of the Saint John Regional Hospital, including employees of the triage kiosks at the public entrance.
 - **Every new employee receives language rights training in the context of their initial orientation at Horizon. This includes modules on the active offer Hello/Bonjour, the *Official Languages Act* of New Brunswick, and on the commitment of public institutions, including Horizon, to comply with this Act. The importance of providing service of equal quality in the official language of our patients is stressed in this training.**
 - **In addition, our institution offers training and upgrading courses in French through the education department. Our Café de Paris program also gives tutoring and conversation sessions, in person or virtually, to all employees who so request. At the same time, promotional campaigns are often carried out on these initiatives in order to reach as many employees as possible.**
 - **More specifically, the COVID-19 screening managers have distributed a document reminding all screening personnel to make sure that all staff fulfil their responsibilities with regard to official languages at all times.**
 - **In addition, the managers have once again emphasized to screeners the need to make an active offer and comply with Horizon's policy for posting notices with respect to both official languages. They were also reminded never to distribute internal newsletters to the public.**
 - **Quick language reference tools have also been made available to COVID-19 screening personnel.**

2. How does the institution ensure that the Saint John Regional Hospital follows sections 27 to 29 of the OLA at all times and that the services it offers are of equal quality in both official languages? Please describe these measures in detail so we can assess their relevance and effectiveness.

- **A large-scale project on the automation of linguistic profiles was initiated in 2019. Essentially, despite the existence of linguistic profiles developed manually by our management teams, we quickly realized the frequent obsolescence of the information. The lateral movement and large number of employees at Horizon made it almost impossible to stay up to date. Now we are moving toward an automatic consolidation of the language proficiency of our employees, so the data can be permanently up to date.**
- **The managers will have easy access to useful information about their teams, enabling them to anticipate employee recruitment and training needs.**
- **At the end of this project, the regional planning centres will be able to view language proficiency in the same way as other professional skills in order to organize work rotations.**

3. Are audits done at the hospital to ensure that staff respect the language rights of members of the public? If so, please provide us with the results of these audits.

The latest satisfaction measures were provided by the New Brunswick Health Council in 2020. The results of their survey are as follows:

Unit	Performance Indicator	Definition	Region	Number	2019-2020
Official Languages	New Brunswick Health Council Survey	% of patients who responded that they always or usually received service in their preferred official language	Moncton	80	74.7%
			Saint John	51	79.7%
			Fredericton	7	31.8%
			Miramichi	23	60.5%

4. What measures is the institution taking to ensure its clients are informed they are entitled to service of equal quality in the official language of their choice when they go to the Saint John Regional Hospital?

- **The first measure is to make the active offer Hello/Bonjour during each interaction.**
- **Next, the official languages department has developed and distributed useful resources to front-line employees to place vertically on their desks. On the back of each page of the document, facing the public, it says:**

“Hello/Bonjour – Your language. Your choice. Our commitment.”

“Your choice – When you hear Hello/Bonjour or another bilingual greeting, your response to us indicates your language of choice.”

- **The official languages advisors in each region maintain close relations with the local Francophone communities. This message is sent regularly to encourage everyone who so wishes to request service in their preferred official language.**
5. What is the contingency plan currently in place to ensure this hospital complies with the OLA and that the public has access to service in the language of their choice at all times?
- **At the Saint John Regional Hospital, as opposed to smaller facilities, the contingency plans are developed and maintained by department. The official languages advisors have developed templates enabling managers to identify bilingual resources first within their units, then in nearby units, and lastly emergency numbers to be used only as a last resort.**
 - **A targeted presentation, “How to Develop Your Contingency Plan,” was offered recently at 21 separate sessions that brought together 176 managers. There were 646 templates distributed to front-line workers within the institution.**
6. How does the institution ensure continuity of service in the official language chosen by a client at that hospital?
- **We are aware this point still requires improvement. However, some departments have adopted an effective organization method. For example: a colour-coded mark on medical records.**
 - **In other regions, the official languages team was behind a larger project that saw the official language of choice indicated on the bracelet given to patients at registration. We want to extend this procedure to all regions in order to optimize recognition of language of choice more easily and avoid making clients repeat their language preference throughout their stay in care.**
7. What measures are taken if an employee of this hospital does not act in compliance with the OLA?
- **In the context of the investigations related to handling complaints, we determine whether the deficiency is related to a procedure that should be changed or improved, or whether it is a behavioural error. When an employee’s performance does not comply with the recommendations of the OLA, their manager is informed, and progressive disciplinary action may be taken.**
8. With respect to the complainant’s file, do you think the institution failed in its obligations imposed by sections 27 to 29 of the OLA? If so
- a. please explain the reasons;

In fact, the complainant's allegations are confirmed. As indicated above, some employees did not provide the expected service in the official language chosen by the complainant and in addition, important documents were provided in English only. We consider that the reasons having led to these deficiencies are on one hand related to a lack of attention by some employees and on the other hand to a lack of prior translation of several documents. We also understand the level of bilingualism shown by several employees did not meet the complainant's expectations. In that respect, it is important to specify that the employees in question satisfied the Intermediate Plus level of linguistic certification recommended by our institution.

- b. please indicate the measures your institution plans to implement to prevent similar incidents from occurring in the future.

The employees who did not provide the service in the complainant's language of choice have been identified by their managers. These cases will be managed individually to avoid any repetition. A reminder of the training and tutoring resources available at Horizon, and of the contingency plans in place, will be issued to the relevant department teams.

An exhaustive inventory of the documents provided by the dialysis and kidney transplant department was carried out so we can ensure that in future all documents provided by Horizon will now be in the official language chosen by the recipient.

- 9. Do the clients of the institution who are treated and/or assessed at this health facility subsequently receive a client satisfaction survey? If so:
 - a. does the survey have questions about the quality of service they received in the language of their choice?

Yes, a satisfaction survey is organized every third year by the New Brunswick Health Council, and Horizon also carries out quality control measures during alternate years. The official languages team is working on the possibility of increasing the number of respondents so the results will better reflect the reality encountered throughout the health network.

- b. please provide us with the results of the latest survey.

The results are in table form in reply to your question 3 above.

The institution also informed us of the details of its investigation in these terms:

According to our investigation, we can confirm the following facts:

- **Controlled Access to Facilities Under COVID-19 Protocols**

November 6, 2020 – [the complainant] did indeed go to kiosk #3 at the public entrance and was greeted in English only.

November 10, 2020 – [the complainant] was again greeted in English only at the public entrance.

December 1, 2020 – [the complainant] was again greeted in English only at the public entrance.

These facts precede the corrective actions taken jointly by the official languages team and management of the facility access control department for all Horizon facilities. Actions detailed previously, upon receipt of similar complaints, are repeated below in a complementary response to your question 1.

- **Surgery Admission Unit**

First, it should be pointed out that this department is specified in our letter of response because the mission of this service is to coordinate day surgeries between patients and the hospital.

It is confirmed that [the complainant] was called three times by this department about the different surgeries required.

The manager recognizes that the last call was made in English although the language of choice is clearly identified as French in the patient's file.

This deficiency was addressed to all staff, with emphasis on the importance of respecting the official language of choice of our patients.

The manager wishes to indicate that the complainant explained, during the calls she received, that she spoke English well enough to be able to agree to the conversation being held in English.

Obviously [the complainant] meant well, but according to the manager, the fact that she did not clearly express her wish to be served in French led to some doubt within her team about the following interactions.

- **Day Surgery**

In light of our investigations, it would seem that [the complainant's] grievances have more to do with the language proficiency of the staff present rather than the lack of bilingual staff. In fact, the complainant asked to have our simultaneous interpretation provider called when she thought the nurse's level of French was not adequate to deal with the situation.

- **Dialysis and Kidney Transplant**

We can confirm that several documents related to the [complainant's] future transplant were given to her in English only.

Also, the correspondence dated November 6, 2020 prepared by the Horizon transplant clinic were also forwarded in English only.

We recognize that the patient's language of choice was not respected and this deficiency caused a significant risk of misunderstanding.

We have determined that several information documents given to [the complainant] belong to third parties such as Nova Scotia Health and Canadian Blood Services. These entities were contacted by our service to obtain either a French version of the documents or permission to have their documents translated.

Lastly, the letters sent by the Horizon transplant clinic were translated by our internal translation service and re-sent to the patient. A reminder was issued to the personnel concerned to avoid such violations in the future.

Analysis

The relevant provisions of the OLA in this matter 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.	27 Le public a le droit de communiquer avec toute institution et d'en recevoir les services dans la langue officielle de son choix.
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 Il incombe aux institutions de veiller à ce que le public puisse communiquer avec elles et en recevoir les services dans la langue officielle de son choix.
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.	28.1 Il incombe aux institutions de veiller à ce que les mesures voulues soient prises pour informer le public que leurs services lui sont offerts dans la langue officielle de son choix.
29 Institutions shall publish all postings, publications and documents intended for the general public in both official languages.	29 Tout affichage public et autres publications et communications destinés au grand public et émanant d'une institution sont publiés dans les deux langues officielles.

The questions asked in our notice of investigation related to several points, including the responsibilities of the institution in this matter with respect to the training of employees at the hospital entrance as identified by the complaint, as well as department and unit contingency plans and audits of service delivery.

Our questions also dealt with the employees' responsibility to inform clients of their language rights, to follow the contingency plan put in place by the institution, and to provide continued service in the clients' preferred language.

Our last questions were about the results of the internal investigation conducted by the institution and the measures it plans to implement to resolve these violations.

We will examine the responses provided by the institution to our questions as they relate to these three points as well as the institution's position concerning this matter.

Response from the Institution

The Institution's Position and the Results of Its Internal Investigation

In its response, the institution provided us with its position and the results of its internal investigation of the complainant's allegations.

The institution affirms that it recognizes the patient's language of choice was not respected and that a significant risk of misunderstanding was caused by this lapse.

Furthermore, the institution confirms that several documents related to the complainant's future transplant were provided in English only and that letters from the Horizon transplant clinic, dated November 6, 2020, were also sent in English only.

The institution adds that, given the information documents provided to the complainant belong to third parties such as Nova Scotia Health and Canadian Blood Services, the institution was required to contact them to either obtain a French version of the documents or obtain permission to have them translated.

Lastly, the institution confirms that correspondence sent by the Horizon transplant clinic were translated by its internal translation service and re-sent to the patient, and that a reminder was issued to staff about avoiding such deficiencies in the future.

With regard to all of the documentation that was provided to the complainant in English only, we are surprised to note the institution does not seem to have a clear, firm procedure already in place to meet its linguistic obligations at all times under section 29 of the OLA. Indeed, the institution's request to third parties for either the French version of their documents or for permission to have them translated, as well as the translation of documents originating from the institution as such, should have occurred well before this.

The Office of the Commissioner considers this a major deficiency that is very harmful to the good health of Horizon's Francophone patients. This deficiency leads us to ask how for long have Francophone patients waiting for a kidney transplant or other procedure been receiving certain documents of this importance in English only.

Yet section 29 of the OLA is very clear: institutions shall publish all publications and documents intended for the general public in both official languages. Consequently, the request to obtain both versions of a document or the right to translate it must be made as soon as a document belonging to a third party is obtained.

The institution also indicates it would seem that the complainant's grievances are more about the staff's level of proficiency in French than the lack of bilingual staff, and that the complainant asked to call a simultaneous interpretation provider when she considered the nurse did not have a satisfactory level of French to deal with the situation.

The Institution’s Linguistic Responsibilities Under the OLA

Training and Employee Reminders of Language Rights

In its response, the institution provided an update on the training of employees at the triage kiosks at the entrance, reminders to employees, as well as tools for employees and distribution of documentation to hospital patients.

We emphasize the hard work and effort made by the institution in its hospitals to ensure the good health and safety of members of the public. We are also aware the institution improved its training process after dealing with previous complaints against it and the current situation took place before these improvements had been implemented.

Delivery of Service of Equal Quality

In its response concerning its method of ensuring equal service to members of the two linguistic communities of New Brunswick, the institution, without answering the question, informed us of improvements made to the automatic consolidation of its employees’ linguistic profiles, enabling information to be permanently up-to-date.

According to the institution, this useful information will be helpful to managers and will enable them to anticipate employee recruitment and training needs, so they can view language proficiency in the same way as other professional skills when organizing work rotations.

Although we applaud this initiative by the institution, we warn it that it must continue to stress the importance of the active offer, delivery of services in the complainant’s language of choice, and optimal contingency plans in order to ensure service of equal quality to members of the two official linguistic communities at all times.

Audits

In its response to our question about its audits to ensure optimal service in both official languages, the institution informed us that the New Brunswick Health Council conducts surveys every three years and provided us with the following statistics:

Unit	Performance Indicator	Definition	Region	Number	2019-2020
Official Languages	New Brunswick Health Council Survey	% of patients who replied that they have always or usually received service in their preferred official language	Moncton	80	74.7%
			Saint John	51	79.7%
			Fredericton	7	31.8%
			Miramichi	23	60.5%

Horizon Health Network confirmed in its response that it also carries out qualitative measures in intermediate years and that the official languages team is working on the possibility of increasing the number of respondents so the results obtained will better reflect the reality throughout the health network.

In previous reports, we indicated that the three-year audits are clearly insufficient, since they do not enable the institution to quickly rectify a situation and improve service delivery to its Francophone patients. We therefore commend the work the institution is doing in this direction, which, in the end, will provide it with an immediate overview enabling it to implement necessary measures to rectify the existing deficiencies and thus offer its Francophone patients a true quality service.

Linguistic Responsibilities of Employees Pursuant to the Institution's Linguistic Obligations

Informing Patients of their Language Rights

In its response, the institution spoke of tools that contribute to an active offer of services to patients, which seem sufficient on paper.

- **The first measure is to make the active offer Hello/Bonjour during each interaction.**
- **Next, the official languages department has developed and distributed useful resources to front-line employees to place vertically on their desks. The back of each page of this document, facing the public, says:**

“Hello/Bonjour – Your language. Your choice. Our commitment.”

“Your choice – When you hear Hello/Bonjour or another bilingual greeting, your response to us indicates your language of choice.”

On paper, the Office of the Commissioner deems these measures satisfactory. In this case, according to the experience the complainant says she had, the reality on the ground seems to indicate there is still a gap between the efforts on official languages made by the institution and what actually happens.

In addition, the institution said the following:

- **The official languages advisors in each region maintain close relations with the local Francophone communities. This message is sent regularly to encourage everyone who so wishes to request service in their preferred official language. (Our emphasis.)**

In this respect, the position of the Office of the Commissioner is clear: responsibility for active offer of services does not lie with the patient, but with the institution offering the service. This therefore means the institution must make the active offer to the patient, so the patient does not have to ask. Once an official language is chosen by the patient, language continuity is the responsibility of each unit or department to which the patient is redirected.

Contingency Plans

With respect to the contingency plan, the institution confirmed that, as opposed to smaller facilities, the Saint John Regional Hospital develops and maintains contingency plans by department and that emergency numbers are to be used only as a last resort.

The institution added that a targeted presentation, “How to Develop Your Contingency Plan”, was offered recently at 21 separate sessions that brought together 176 managers of that facility, and 646 templates were distributed within the facility to front-line workers.

We support this measure, which, we hope, will be successful, and we encourage the institution to extend it to all its hospitals in the province in the near future.

Continuity of Services

With respect to the continuity of services in the official language chosen by a patient, the institution admitted at the outset it is aware this point still requires improvement. The institution adds that certain departments have, for example, affixed a colour-coded mark on medical records. In some regions, the official languages team was behind a larger project that allows the official language of choice to be indicated on the bracelets given to patients at registration.

The institution indicates that it hopes to expand this procedure to all regions in order to optimize recognition of language of choice more easily and thus enable patients to avoid having to repeat their language preference throughout their stay in care.

The Office of the Commissioner supports this measure, but is putting the institution on alert; a colour on a medical record or a note on a bracelet indicating a patient’s language of choice will not be successful unless the institution includes the following:

- training and reminders to employees to take these tools into account, to respect the official language chosen by the patients, and to offer service of equal quality to patients, regardless of the official language chosen;
- solid contingency plans; and
- periodic audits.

Measures Taken or Planned by the Institution

During our conversation with Horizon’s official languages advisor, he told us that certain deficiencies had already been resolved and the work was continuing to resolve the ones still outstanding.

In its response, the institution indicated it seems the level of bilingualism shown by several employees did not meet the complainant’s expectations and that, in that respect, it considered it important to specify that the employees in question satisfied the requirements of Intermediate Plus¹, the level of language certification that it recommends.

¹ DEPARTMENT OF FINANCE AND TREASURY BOARD, *Language Oral Proficiency Scale*:

The institution nevertheless confirmed that some of the complainant's allegations were legitimate and that some employees did not provide the level of service expected in the official language chosen by the complainant. These employees were identified by their managers and these cases will be managed individually to avoid any repetition. A reminder of the resources available at Horizon for training and tutoring purposes, and the contingency plans in place, will be issued to the relevant department teams.

Furthermore, the institution also confirmed that important documents were distributed in English only and an exhaustive inventory of the documents provided by the dialysis and kidney transplant department was carried out to ensure that all documents distributed by Horizon in the future will be in the official language chosen by the recipient.

In its response, the institution indicates that the reasons behind these deficiencies are on one hand related to a lack of attention by some employees and on the other hand by a lack of prior translation of several documents.

INTERMEDIATE PLUS (2+) Able to participate fully in general conversation. Able to participate fully in informal conversations in social and work-related contexts. Control of language structures may vary, but communication of facts and ideas is usually clear. At times, a speaker at this level will demonstrate some functions at the Advanced level but will not be able to sustain the conversation at that level.

Conclusion and recommendations

Our investigation made it possible to establish, for the reasons set out in this report, that the complaint is **founded** and that the institution failed to meet its obligations under the Official Languages Act of New Brunswick, and we make the following recommendations:

- THAT the institution make an active offer to patients, so patients are not obliged to ask;**
- THAT the institution ensure that a patient's choice of official language be respected throughout their time in any of the healthcare facilities under its authority;**
- THAT the institution check, as it has indicated, all documents distributed by the dialysis and kidney transplant department and ensure that, regardless of their origin, these documents are available in both official languages at all times;**
- THAT the institution implement a clear, precise procedure in order to meet its linguistic obligations under section 29 of the OLA at all times, in particular by obtaining from a third party the French version of a document belonging to the third party or by obtaining the third party's agreement to have the document in question translated as soon as the aforesaid document has been obtained;**
- THAT the institution assign the same importance to both official languages and that it print all documents provided to the public by the dialysis and kidney transplant department in two columns or on both sides of the page;**
- THAT the institution ensure that in the future each unit and department print all documents for members of the public in two columns or on both sides of the page;**
- THAT the institution ensure that all communications of the dialysis and kidney transplant department, including telephone, written, and e-mail communications, be in the official language chosen by the patient at all times without undue delay; and**
- THAT the institution continue to carry out qualitative measures in the years between the New Brunswick Health Council survey and that it increase the number of respondents so the results will reflect the reality throughout its health network.**

Pursuant to subsection 43(16) of the OLA, we submit this report to the Premier, the President and CEO of the Horizon Health Network, the Clerk of the Executive Council Office, and the complainant.

Pursuant to subsection 43(18) of the OLA, if a complainant is not satisfied with the conclusions of this investigation, the complainant may apply to the Court of Queen's Bench of New Brunswick for a remedy.

Shirley C. MacLean, Q.C.
Commissioner of Official Languages for New Brunswick

Signed at the City of Fredericton,
Province of New Brunswick,
This 6th day of July 2021