



Investigation Report

FILE NUMBER 25-26-013

INSTITUTION CONCERNED Horizon Health Network

SUBJECT Alleged deficiencies in the active offer of service and provision of services in French

TABLE OF CONTENTS Summary: 1
Complaint: 3
Investigation: 4
Analysis: 8
Commissioner's Observations: 21
Conclusion and recommendations: 23

REPORT DISTRIBUTED TO THE FOLLOWING PERSONS President and CEO, Horizon Health Network
Complainant
Premier
Clerk of the Executive Council
Executive Director of the Secretariat of Official Languages

ISSUE DATE March 2026



Summary

This report was prepared following an investigation into a complaint against Horizon Health Network (the institution). More specifically, the complainant alleges that they and their father experienced shortcomings regarding the active offer of service in both official languages and the provision of services in French at the Miramichi Regional Hospital.

Upon conclusion of this investigation, the Office of the Commissioner of Official Languages finds, 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* (OLA) of New Brunswick.

Having established that the complaint is founded, the Commissioner makes the following recommendations:

1. **THAT** the institution regularly remind all its employees of their linguistic obligations under the *Official Languages Act* to provide service of equal quality in both official languages to all members of the public without undue delay;
2. **THAT** in particular, the institution regularly remind all its employees of the importance of making an active offer of service in both official languages to maintain continuity of service in the language of choice of all members of the public;
3. **THAT** the institution submit an update regarding any “corrective actions” it proposes in its response as soon as they have been approved by Horizon’s Executive Committee or within six months of the filing of this report, as applicable;
4. **THAT** like other institutions having linguistic obligations under the *Official Languages Act*, the institution offer annual official languages training to all its employees, subject to a written commitment to the institution’s language policy, in order to create a work environment that respectfully incorporates both official languages at all times;
5. **THAT** the institution find innovative ways to encourage its employees to respect the language of choice of every member of the public at all times, thereby fostering an organizational culture that recognizes the importance and equality of both official languages in the workplace;
6. **THAT** the institution continue its efforts, as it has indicated in the past, to recruit bilingual healthcare practitioners and develop an innovative, rigorous plan with a timeline for the recruitment of

bilingual staff to identify new pools of healthcare professionals, both locally and elsewhere, in order to immediately address deficiencies in the provision of services of equal quality in both official languages at Miramichi Regional Hospital and at all of its healthcare facilities;

- 7. THAT the institution provide, within 30 days of the filing of this report, up-to-date versions of the contingency plans for the emergency and surgery departments at Miramichi Regional Hospital along with a communications plan for employees to ensure that they are aware of them;**
- 8. THAT the institution regularly review and update the contingency plans for all departments at Miramichi Regional Hospital to ensure these contingency plans are up to date and accessible to all employees so they can provide all the institution's services with equal quality in both official languages at all times;**
- 9. THAT the institution provide it with the outcomes of the pilot project regarding unannounced random checks among staff and its analysis of the successes or shortcomings of this exercise;**
- 10. THAT the institution continue to conduct random checks and present the results to its employees during their annual performance reviews as a reminder of the importance of both official languages in their workplace.**

Complaint

The complainant informed the Office of the Commissioner of Official Languages that the incident described below began on April 18, 2025. The details of the complainant’s allegations are as follows:

On April 18, 2025, the plaintiff’s father was transferred by ambulance from Tracadie Hospital to Miramichi Regional Hospital to undergo hip surgery. The father arrived at the hospital around midnight.

The father spent his first day on a stretcher in the emergency department. According to the complainant, there was no service in French. They spoke to a security guard who translated for them, as they do not understand English.

The complainant was worried about their father, who always answers “yes, yes, yes” to all questions from healthcare professionals who speak to him in English even though he does not understand English. Their father also apparently did not eat during the few days he spent in the hospital.

According to the complainant, when they went to the hospital over the weekend, the employee they spoke to told them, “No French.” They then noticed that the employees were laughing. They felt like they were laughing at them.

The complainant called the hospital to request follow-up the morning of Monday, April 21, 2025, and was apparently told in English that there would be no bilingual staff available until 10:00 a.m. The employees on duty spoke English only. The plaintiff said they were frustrated at not being served in French.

The complainant confirms that their father received good service at the hospital but that they and their family never received service in French. The surgeon was not able to speak French either. Lastly, the hospital director apparently spoke with the complainant’s sister in French the afternoon of Monday, April 21, 2025.

Abbreviations and Terms Used

OCOL	Office of the Commissioner of Official Languages
The hospital	Miramichi Regional Hospital
The institution	Horizon Health Network
OLA	<i>Official Languages Act of New Brunswick</i>

Investigation

Background to the notice of investigation

Since 2021, the OCOL has handled several complaints¹ against the institution, specifically regarding the lack of services in French at Miramichi Regional Hospital. The complaint in this case follows two recent complaints filed with the OCOL in March 2023 (file 22-23-265)² and July 2024 (file 24-25-049)³. In the investigation reports pertaining to these files, which were published on March 25, 2024, and March 31, 2025, the OCOL made a series of recommendations, including the following:

THAT the institution:

***regularly conduct** random audits to ensure that its staff complies with the Official Languages Act of New Brunswick at all times and at every point of service; and*

***develop and adopt** a strategy for addressing this issue if the results of its audits continue to reveal a failure to extend the active offer of service;*

THAT the institution review and revise the linguistic profile of the 3 East unit at the Miramichi Regional Hospital to ensure that it is sufficient so that patients and the public have access to services of equal quality in both official languages at all times;

THAT the institution continue its efforts to recruit bilingual health care workers and “develop a rigorous plan for the recruitment of bilingual staff, together with a timeline, to identify new pools of health care workers, [. . .] from both here and elsewhere” to immediately correct its inability to offer services of equal quality in both official languages at all times at the Miramichi Regional Hospital;

THAT the institution review and modify all contingency plans for each unit and department in all health care facilities under its jurisdiction to remove any reference to the use of a “language line” or interpretation software for serving patients or the public in the official language of choice;

THAT the institution regularly remind all employees, travel nurses and its providers of its linguistic obligations under the Official Languages Act and of its official languages policies and procedures to ensure

¹ Files 24-25-049, 22-23-265, 21-22-252 and 21-22-064, among others.

² <https://bit.ly/3W1a2UQ>

³ <https://bit.ly/4qSuJ2M>

that service of equal quality is available in both official languages for all services, without undue delay;

THAT in particular, the institution regularly remind all employees and travel nurses of the importance of making an active offer of service in both official languages to maintain the continuity of service in the language of choice of all members of the public;

THAT the institution regularly remind all its employees and travel nurses of the contents of its contingency plan and the plan's location to ensure that service of equal quality is offered in both official languages for all services, at all times and without undue delay.

It is important to note that, in both cases, the institution states that there is a severe staffing shortage and that it is [Translation] “hard to find bilingual candidates” to fill the vacant positions at Miramichi Regional Hospital. As will be seen below, this recruitment challenge remains widespread.

Investigation under subsection 43(13) of the OLA

After the complaint was filed on April 22, 2025, the Office of the Commissioner of Official Languages (OCOL) decided to proceed with an investigation under subsection 43(13) of the *Official Languages Act* (OLA) of New Brunswick.

A notice of investigation dated May 20, 2025, was sent to Horizon Health Network (the institution). In this notice to the institution's president and chief executive officer, the institution was asked to inform the OCOL of its assessment of the facts concerning the allegations made by the complainant, provide any additional information that could be useful in this matter, and answer a series of questions.

Request for clarifications from the institution

On May 23, 2025, an official languages advisor at the institution emailed the OCOL requesting that it contact the complainant:

[Translation]

I am seeking additional information regarding this complaint so that I can proceed with my investigation into:

- The complainant's in-person visit: On what day? At what time? To which department?*
- The phone call made by the complainant on April 21: At what time? To which department?*

Could you please ask that person if they remember these details?

On June 10, 2025, an OCOL investigator telephoned the complainant to ask the institution's questions. The OCOL then shared the following information with the official languages advisor:

Friday, April 18, 2025

The complainant arrived at the hospital by car, while their father was transferred by ambulance from Tracadie Hospital between 11:00 and 11:30 p.m. The father was lying on a stretcher in the emergency department, and there was no service in French. He was scheduled to have surgery at 4:00 a.m. on Saturday, April 22, but the surgery did not take place at that time. The father was taken up to the third floor, but the complainant does not know exactly when.

Monday, April 21, 2025

The complainant's sister called the third floor at Miramichi Regional Hospital between 8:00 and 9:00 a.m. She was apparently told that no one on the third floor could speak with her in French and that no bilingual employees would be in until 10:00 a.m. She called back later and spoke to the third-floor manager, who was able to speak with her in French. Due to a shortage of staff able to speak French, it was reportedly decided to transfer the father to Tracadie on Monday, April 21.

According to the complainant, from Friday evening on arriving at the hospital until Sunday morning after his surgery at 10:00 a.m., their father had nothing to eat or drink because he was waiting for his surgery and had to fast.

(Emphasis added)

The official languages advisor informed the OCOL that there was an error in the above-mentioned report. Instead of [Translation] "Saturday, April 22," it should read [Translation] "Saturday, April 19." The sequence of events is therefore as follows:

- *Friday, April 18: Transferred by ambulance from Tracadie Hospital to Miramichi at around 11:00 p.m.*
- *Saturday, April 19: Operation scheduled for 4:00 a.m. but ultimately cancelled.*
- *Sunday, April 20: Operation at 10:00 a.m.*
- *Monday, April 21: Transferred from Miramichi Hospital to Tracadie due to lack of service in French.*

Response from the institution

On July 28, 2025, the institution submitted its response to the complaint, stating as follows:

[Translation]

The investigation conducted by the Official Languages department in conjunction with the departments involved revealed the following:

- Emergency department:

After questioning her staff and doing some detective work, the department manager believes she has identified the patient concerned. The nurse in charge of him spoke only basic French. Despite her efforts, her language skills did not meet the expectations of the patient or his family. Unfortunately, no bilingual medical staff members were available on April 19 due to high demand from other patients and a shortage of staff. Although far from ideal, only one security officer was able to provide translation services.

- Surgery Department (3 East):

With regard to the surgery department, the language skills of the employees identified as being on duty on April 20 and 21 should have made it possible to provide service in French. However, there is no guarantee that this was done. A reminder was therefore sent to all employees in that department to make them aware of the importance of respecting patients' choice of language. The contingency plan was also reviewed following this feedback.

Analysis

Relevant provisions of the *Official Languages Act (OLA)* of New Brunswick in this matter are as follows:

COMMUNICATION WITH THE PUBLIC

Communications with government and its institutions

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.

Obligations of institutions

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.

COMMUNICATION AVEC LE PUBLIC

Communication avec le gouvernement et ses institutions

27 Le public a le droit de communiquer avec toute institution et d'en recevoir les services dans la langue officielle de son choix.

Obligation des institutions

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 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.

Questions asked by the OCOL and responses provided by the institution

The questions asked by the Office of the Commissioner of Official Languages (the OCOL) in the notice of investigation covered several points, including compliance with the OLA, the steps taken and any major barriers encountered, the linguistic profile of employees, the contingency plan, random checks, and equal quality of service.

This section of the report examines the responses provided by Horizon Health Network (the institution) to the questions relating to these points. Through its analysis, the OCOL concluded that the complaint is **founded**.

Compliance with the OLA

Active offer of service

The obligations imposed by the OLA are clear: the institution must be able to communicate with the public and provide its services to members of the public in both official languages at all times. Furthermore, the institution must inform members of the public on first contact that its services are available in both official languages. In other words, members of the public should not have

to request service in either official language, as service in both languages should already have been offered by the institution's employees. This is what is called the "active offer of service."

The active offer of service in both official languages is extremely important because if the offer is made in only one language, it is often unlikely that members of the public who wish to be served in the other official language will assert their language rights. Instead, they tend to accept being served in the language used by the employee to greet them. That is why a greeting such as "Hello/Bonjour" is so important, as it invites members of the public to use either of the two official languages when communicating with or receiving service from a government institution.

[Translation]

The concept of the active offer is therefore fundamental, and it is central to the purpose of language rights: ensuring respect for the individuals within a society and the equal status, rights and privileges of the English and French languages and linguistic communities.

Michel Doucet, *Les droits linguistiques au Nouveau-Brunswick [Language rights in New Brunswick]*, 2017.

The term "active offer" is clearly defined in the following section of the OLA:

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.

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.

The complainant does not indicate whether they received an active offer of service in both official languages. However, there is every reason to believe that the complainant indicated to the employee, speaking in French, that they wished to be served in that language. However, as the above complaint makes clear, the employee allegedly simply stated: "No French." Although the OCOL cannot determine whether an active offer of services was in fact made, it certainly recommends that the institution remind all its employees of procedures regarding official languages, as discussed below in this report.

Continuity of service in the official language of choice

The purpose of the active offer of service in both official languages is to determine the official language of choice of members of the public, which, once established, must be respected. This is what is called "continuity of service." If an institution fails to maintain continuity of service, then there is a chance that the public will accept service in the language used by the institution's employee. This contradicts the obligations under the OLA and, in some cases, forces members of the public to assert their language rights.

The complainant states that throughout their father's hospital stay, beginning on April 18, 2025, their father was never served in French, which concerned the complainant because their father always answers [Translation] "yes, yes, yes" to healthcare professionals who speak to him only in English, even when he does not understand what they are saying.

To avoid this situation of non-compliance with linguistic obligations under the OLA, any unilingual employee who made the active offer of service or heard the complainant's or patient's choice of official language should have located a colleague with the appropriate language proficiency to serve them in their choice of official language. Replying "No French" is unacceptable.

In its response, the institution indicates that the nurse manager in the emergency department [Translation] "spoke only basic French" and that [Translation] "her language skills did not meet the expectations of the patient or his family." Additionally, no bilingual staff members, except for a security guard, were available to provide services in French.

The OCOL considers that there was a failure in continuity of service in this case. Management of the emergency department, and all hospital departments, should have scheduled shifts to ensure that at least one employee could provide adequate service in both official languages. It is the institution's responsibility to ensure that it has the capacity to provide service of equal quality in both official languages at all times. The employee concerned should have followed a procedure established by the institution to ensure continuity of service in the complainant's and their father's choice of official language, even if it meant simply asking a colleague from another department for help. Based on the institution's responses, the OCOL is unable to determine whether this was done. However, according to the complainant, no other bilingual employees communicated with them in French except for the security guard, who offered a translation, which, in the words of the institution, is [Translation] "far from ideal."

Regarding the surgery department (3 East), the institution indicates that the adequate number of employees present at the time [Translation] "should have made it possible to provide service in French." However, the institution adds: [Translation] "However, there is no guarantee that this was done." The institution states that reminders were sent to employees in that department.

The OCOL finds it difficult to understand how this situation could have arisen in the surgery department if an adequate number of employees able to communicate in both official languages were on duty, and is therefore concerned that there may be a culture of permissiveness toward employees who neglect the institution's obligation to respect the choice of official language of every patient or member of the public.

The OCOL considers that the inability to obtain adequate healthcare services in one's choice of official language is more than simply a denial of rights guaranteed by law. It can lead to misunderstandings on the part of the patient or the healthcare provider, which can have dangerous or tragic consequences.

With this in mind, the OCOL therefore makes the following recommendations:

Recommendation No. 1:

The Office of the Commissioner recommends that the institution regularly remind all its employees of their linguistic obligations under the *Official Languages Act* to provide service of equal quality in both official languages to all members of the public without undue delay.

Recommendation No. 2:

The Office of the Commissioner recommends that, in particular, the institution regularly remind all its employees of the importance of making an active offer of service in both official languages to maintain continuity of service in the language of choice of all members of the public.

Measures undertaken and any major barriers

Measures undertaken

As noted above, several investigations have been conducted since 2021 regarding the lack of service in French at Miramichi Regional Hospital (files 24-25-049, 22-23-265, 21-22-252 and 21-22-064, among others). Despite all the recommendations set out in the investigation reports for these files and the institution's ongoing efforts, the situation continues to occur on a regular basis. In addition, as of this writing, two more complaints have been filed with the OCOL regarding concerning situations at Miramichi Regional Hospital.

To better understand the institution's efforts to comply with its linguistic obligations, the OCOL asked the following question in its notice of investigation regarding the present complaint:

[Translation]

Since the filing of the previous investigation report on March 31, 2025 (file 24-25-049), what steps have been taken to ensure that all patients, family members and members of the public receive services of equal quality in both official languages at Miramichi Regional Hospital?

The institution provided the following explanation:

[Translation] *Our department conducted a study to identify ways to improve the current situation, not only in Miramichi but in all Horizon facilities.*

These will include the following:

- *Require employees to complete the online module on the active offer at least once every other year rather than only once when they join Horizon. It appears that the knowledge they acquire is quickly overshadowed by the acquisition of other information, and the impact of this training proves to be virtually nil over the medium and long term.*

- *Create a dedicated position for recruiting bilingual employees that includes the primary responsibilities of partnering with Francophone universities and more effectively targeting the recruitment of bilingual candidates.*
- *Implement disciplinary measures and make a note in the employee's record in the event of non-compliance with Horizon's official languages policy.*

These corrective actions have been proposed to Horizon's Executive Committee, which still needs to approve them.

The institution's response shows that it is well aware of its linguistic obligations, but that there is still much to be done to ensure that all its services are provided with equal quality in both official languages. The OCOL is interested in the next steps to be taken and makes the following recommendations:

Recommendation No. 3:

The Office of the Commissioner recommends that the institution submit an update regarding any "corrective actions" it proposes in its response as soon as they have been approved by Horizon's Executive Committee or within six months of the filing of this report, as applicable.

Recommendation No. 4:

The Office of the Commissioner recommends that, like other institutions having linguistic obligations under the *Official Languages Act*, the institution offer annual official languages training to all its employees, subject to a written commitment to the institution's language policy, in order to create a work environment that respectfully incorporates both official languages at all times.

Major barriers

Following the filing of this complaint and multiple others handled in the past, the OCOL wondered why the situation at Miramichi Regional Hospital did not seem to be improving, despite the numerous recommendations the institution had proposed to resolve the issue. What barriers do there seem to be that prevent the institution from ensuring that all of its services are available at all times and of equal quality in both official languages across all its healthcare facilities? The OCOL therefore asked this question:

[Translation]

In your opinion, what are the major barriers preventing your institution from providing service of equal quality in both official languages at Miramichi Regional Hospital and all your other healthcare facilities? Please provide a detailed answer.

The institution responded as follows:

[Translation] *After analyzing the issue, the Official Languages department identified two major barriers to providing service of equal quality:*

- *Given the total workforce, the current number of bilingual staff and targeted recruitment of bilingual employees appear insufficient to meet the needs of the Francophone community.*
- *There are also shortcomings in holding employees accountable for non-compliance with language policies.*

The OLA makes no exceptions for special circumstances: an institution governed by the OLA must be able to fulfil its linguistic obligations at all times, regardless of unforeseen circumstances. Although the institution stated that it is facing a staffing shortage, it is the institution's responsibility to use all possible means to ensure that all services are available and of equal quality in both official languages. In another section of this report, the OCOL will make a recommendation regarding the recruitment of bilingual staff.

As for employee accountability, as we know, the linguistic obligations under the OLA fall upon the institution. However, the institution's employees act as its representatives. As a result, the institution can only successfully fulfil its language obligations if its employees are committed to implementing them. Clearly, the institution has a long way to go in persuading its employees to respect the choice of official language of all members of the public.

The complainant claims to have felt mocked by staff in the emergency department at Miramichi Regional Hospital because of their choice of language. They indicated that, after their interaction with the employee, who said "No French" to them, other employees in the emergency department were laughing, and they felt they were laughing at them.

Under no circumstances should a member of the public feel disadvantaged or ridiculed for choosing one official language over the other. The institution is required to provide all its services in both official languages regardless of the choice of language, and the institution's employees act as intermediaries on its behalf. Any member of the public who visits any department of the institution can therefore expect to be treated with respect in this regard. There appears to be a lack of respect for the language rights of the Francophone minority at this hospital.

The OCOL considers that this perception of being at a disadvantage can lead to a feeling that one of the two official languages is undervalued. If employees of an institution treat a member of the public disrespectfully because of their choice of official language, this sends the message that the institution considers one of the two official languages to be less important than the other.

That said, in *R. v. Beaulac*, [1999] 1 SCR 768, the Supreme Court of Canada clearly stated as follows:

39 [. . .] in the context of institutional bilingualism, an application for service in the language of the official minority language group must not be treated as though there was one primary official language and a duty to accommodate with regard to the use of the other official language. The governing principle is that of the equality of both official languages.

Although the institution has not commented on this aspect of the complaint, the events that took place at Miramichi Regional Hospital, as alleged by the complainant, lead the OCOL to make the following recommendation:

Recommendation No. 5

The Office of the Commissioner recommends that the institution find innovative ways to encourage its employees to respect the language of choice of every member of the public at all times, thereby fostering an organizational culture that recognizes the importance and equality of both official languages in the workplace.

Linguistic profile of employees

The institution is required to ensure that members of the public can access all of its services in both official languages at all times. A regional healthcare authority whose working language is English must nevertheless be able to provide all its services in both official languages. Conversely, the same applies to a regional healthcare authority that uses French as its working language.

It is not necessary for all employees to be bilingual. Institutions may, and generally do, adopt a team approach where a sufficient number of unilingual and bilingual employees work together to provide service to the public in both official languages. If a member of the public requests service in the other official language, a unilingual employee may ask for the help of a colleague with the language proficiency required to offer the service.

Because of this, the institution must ensure that, during each shift, the staff on duty include a sufficient number of employees who speak each official language to provide every service with equal quality without undue delay in the official language chosen by any member of the public.

To better understand the situation at Miramichi Regional Hospital, the OCOL asked questions about the linguistic profile of the staff assigned to the emergency department. Ultimately, the institution admits that, although it has followed a strategy of recruiting bilingual staff, there are not enough employees to ensure that all members of the public receive service in their choice of official language. Despite this, the institution assures us that it is continuing its recruitment efforts to increase the number of bilingual staff.

The OCOL finds that the situation at Miramichi Regional Hospital is cause for concern. Shortcomings in the delivery of healthcare services jeopardize safety. When members of the public use the healthcare system, they are in a vulnerable position, as most people are in unfamiliar territory because they generally do not speak “medical jargon.” This situation can be exacerbated by barriers related to either official language.

With regard to its linguistic profile, the institution indicates as follows:

[Translation]

Out of a total of 29 active employees, 7 have a language proficiency level of at least Intermediate Plus in French (B1.2). This means that 24% of employees are able to carry on a conversation in French. However, this department is seeking to fill vacant positions with a preference—as stipulated in the job postings—for candidates with a bilingual profile.

It should be noted that when the OCOL asked a similar question regarding a previous complaint (file 24-25-049), the institution responded as follows:

[Translation]

The Miramichi Regional Hospital's current profile is 8 bilingual staff members out of 29 (including nursing unit clerks and nurses).

.....
Currently, 27.5% of Emergency Department staff members are bilingual.

There has been a noticeable decline in the number of bilingual employees in the emergency department since the institution's response in file 24-25-049 and, consequently, a reduction in the institution's capacity to provide all its services with equal quality in both official languages at all times.

Curious to know the institution's view on the ideal linguistic profile for the emergency department, the OCOL asked this question:

[Translation]

In your opinion, what is the ideal linguistic profile for emergency department staff at Miramichi Regional Hospital in order to provide all services with equal quality in both official languages?

The institution responded as follows:

[Translation]

The ideal situation would be:

- *Having 35% to 40% of employees be bilingual to be able to provide service in both official languages at all times. Scheduling at least one bilingual staff member per shift and per area (admissions, triage, care areas) would be the ideal.*
- *Having one bilingual nurse on each two-person class A registered nurse team to ensure continuous language support at all times throughout a patient's stay.*
- *Having a fully bilingual reception team to allow for proper patient intake upon their arrival and provide effective support through the admission process.*

- *Having additional bilingual resources (such as a designated interpreter or a mobile bilingual registered nurse) would ensure prompt access to meet linguistic needs in emergency situations.*

Reviewing the data submitted by the institution, the current reality is clearly far from ideal. While the institution suggests that 35% to 40% of employees assigned to the emergency department should ideally be bilingual, it is noted that only 24% of employees in that department are bilingual. How can proper service be provided to the public in both official languages at all times if the staff required to do so are not there?

In its subsequent reply, the institution informed the OCOL that the number of bilingual employees in the emergency department at Miramichi Hospital is insufficient to provide all services in both official languages at all times. The institution acknowledges that it is dealing with challenges in recruiting staff, particularly bilingual staff, a situation that affects many healthcare institutions around the world. The institution responded to the OCOL's question as follows:

[Translation]

At present, there are not enough bilingual employees to ensure that services are always available in both official languages. Although 24% of the current staff are bilingual, staffing shortages, unscheduled absences or inconsistent work schedules can result in certain shifts not having adequate French-language coverage.

Recruitment efforts are underway to increase bilingual capacity, and interim strategies have been put in place to address deficiencies, such as pairing bilingual staff with unilingual staff whenever possible and providing training on basic French expressions for certain team members.

The institution states that it offers [Translation] "training in basic French expressions for certain team members" (emphasis added). However, the OCOL recommends that training be made available to all its employees as a reminder of the obligation to provide all services in both official languages, even if some employees are already familiar with these basic expressions. Any type of reminder can only help the institution improve the equality of the quality of its services in both official languages.

Lastly, the OCOL asked a question regarding the review and revision of the emergency department's linguistic profile:

[Translation]

How often do managers review and adjust the linguistic profile of the emergency department at Miramichi Regional Hospital to more effectively meet the needs of patients from both official linguistic communities at that healthcare facility?

The institution responded as follows:

[Translation]

The Emergency Department's linguistic profile is reviewed at least once a year as part of workforce forecasting and updated as needed during the staff review. Language proficiency is also taken into account during the recruitment process, particularly when positions are posted and staffed.

Given the multiple complaints and investigations involving services at Miramichi Regional Hospital that the OCOL has handled in the past, the OCOL remains skeptical as to the institution's capacity to provide all its services in the public's choice of official language in the future due to staffing shortages. The institution itself admits that staffing the department is difficult. However, the OCOL hopes that the institution, mindful of its linguistic obligations, will continue its efforts to recruit bilingual staff and that it will be able to rapidly increase its workforce, including in the emergency department, at the Miramichi Regional Hospital.

The OCOL is therefore amending a recommendation from a previous report regarding the institution:

Recommendation No. 6

The Office of the Commissioner recommends that the institution continue its efforts, as it has indicated in the past, to recruit bilingual healthcare practitioners and develop an innovative, rigorous plan with a timeline for the recruitment of bilingual staff to identify new pools of healthcare professionals, both locally and elsewhere, in order to immediately address deficiencies in the provision of services of equal quality in both official languages at Miramichi Regional Hospital and at all of its healthcare facilities.

Contingency plan

An important aspect of respecting the obligation to provide continuity of service in the official language of choice is the contingency plan: an emergency plan for ensuring service in the other official language without undue delay. When employees do not have the appropriate proficiency in the official language requested, they must be able to refer to a specific and effective contingency plan for calling on a colleague who can provide the service.

The OCOL asked the institution a question regarding the emergency department's contingency plan at Miramichi Regional Hospital. The response was as follows:

[Translation]

A procedure outlining the different levels of support available from bilingual staff (whether within or outside the department) explains for Emergency Department staff the appropriate action to take depending on bilingual staff availability. However, no contingency plan in the strict sense of the term has been established in the form of a list of telephone numbers of bilingual employees to contact as needed. A blank form has been sent to the department manager to make available to her team shortly.

This contingency plan will be reviewed as needed to take into account staff availability, unscheduled absences, etc.

The fundamental principles of this plan are based on:

- *Trying to schedule bilingual staff during peak hours and at patient admission.*
- *Aiming to assign one bilingual registered nurse to each class A registered nurse team whenever possible.*

(Emphasis added)

The OCOL was surprised to read the institution’s response regarding the lack of a contingency plan [Translation] “in the strict sense of the term.” The OCOL has difficulty understanding how this situation could have arisen, since, over the years, the institution has had to address numerous and repeated complaints where the OCOL recommended the drafting or revision of a contingency or emergency plan to prevent the recurrence of certain situations. Moreover, in a file for which the investigation report was published in March 2025, the institution submitted to the OCOL a [Translation] “Miramichi Regional Hospital Emergency Department French Language Contingency Plan.”⁴

In the OCOL’s view, the absence of this contingency plan may have created a serious barrier to providing a service of equal quality in French to the complainant and their father. The emergency department employee allegedly said “No French” to the complainant, who felt that the employees who were laughing were making fun of them because they could not speak to them in English or understand what they were saying.

A contingency plan would have made clear to the employee that it was inappropriate to use the expression “No French” when speaking to a member of the public who wished to be served in French. She should have simply said, [Translation] “One moment, please,” or something similar. A contingency plan would also have indicated to her which colleagues she could have turned to. The complainant would not have felt disadvantaged by the healthcare facility for requesting service in French, since they would have received this service from another employee had one been available.

In this regard, the OCOL makes the following recommendations:

Recommendation No. 7:

The Office of the Commissioner recommends that the institution provide, within 30 days of the filing of this report, up-to-date versions of the contingency plans for the emergency and surgery departments at Miramichi Regional Hospital along with a communications plan for employees to ensure that they are aware of them.

⁴ <https://officiallanguages.nb.ca/wp-content/uploads/2025/08/Investigation-report-24-25-049.pdf>

Recommendation No. 8

The Office of the Commissioner recommends that the institution regularly review and update the contingency plans for all departments at Miramichi Regional Hospital to ensure these contingency plans are up to date and accessible to all employees so they can provide all the institution's services with equal quality in both official languages at all times.

Random checks

The OCOL considers that random checks are necessary to ensure the institution is verifying that staff members are respecting the language rights of patients and other members of the public and to address any instances of non-compliance. The OCOL therefore asked the following question:

[Translation]

What types of random checks and disciplinary measures does your institution implement to ensure that your employees are complying with your obligations under the OLA?

The institution provided the following explanation:

[Translation]

With regard to random checks, an internal self-assessment initiative is rolling out sometime in July in a pilot department. The department manager will be responsible for evaluating three criteria:

- *Visual communication informing patients and visitors that our services are available in their choice of official language (English or French).*
- *Translations in public areas of all communication tools (posters, flyers, directional signs, televised messages, etc.) in both official languages.*
- *Making the active offer and respecting people's choice of language by staff members who welcome members of the public.*

Once this testing phase has been validated, the assessments will be rolled out in the six departments with the highest patient volumes (scheduled for September).

In terms of disciplinary action, it should be noted that there are no measures in place at this time for disciplining employees or managers for failing to comply with the internal policy on official languages. The senior management team will discuss this matter and make decisions shortly.

However, in order for bilingualism at the team level to work properly, employees must be aware of and follow the procedures in place. In the present case, the official language procedures established by the institution were not followed. The institution needs to step up its efforts to

ensure that all employees are aware of and follow these procedures to provide all members of the public with service of equal quality in the official language of their choice.

The OCOL considers that random checks provide the institution with a more accurate picture of how its healthcare facilities are performing with regard to official languages. The OCOL again recommends that the institution continue to conduct regular audits, not only to assess the compliance of healthcare teams with the institution's official language obligations but also to take the opportunity to motivate certain employees and promote a service culture that incorporates official languages. However, these random checks **MUST** be conducted **without prior notice to staff**. **Random checks conducted with advance notice to staff are entirely useless**. This raises employees' awareness of official languages in the workplace and helps them develop the habit of automatically making the active offer of service and providing services in both official languages. Ongoing monitoring will enable the institution to identify any existing shortcomings regarding official languages, understand why they exist, and determine how best to address them.

The OCOL therefore recommends that the institution continue its random checks for compliance with its linguistic obligations to ensure that its employees are providing service of equal quality at all times in the choice of official language of all members of the public. The OCOL is therefore interested in the pilot project as described in the institution's response and offers the following recommendations:

Recommendation No. 9

The Office of the Commissioner recommends that the institution provide it with the outcomes of the pilot project regarding unannounced random checks among staff and its analysis of the successes or shortcomings of this exercise.

Recommendation No. 10

The Office of the Commissioner recommends that the institution continue to conduct random checks and present the results to its employees during their annual performance reviews as a reminder of the importance of both official languages in their workplace.

Commissioner's Observations

Although the complaint is founded and the OCOL has issued the above recommendations concerning the contingency plan, among other matters, the OCOL notes that the institution clearly understands its linguistic obligations under the OLA. The situation therefore does not illustrate a lack of knowledge or understanding on the part of the institution but rather human error.

The institution has confirmed having already taken corrective measures, such as reminding employees of the proper procedures for effectively serving members of the public in their choice of official language. The OCOL is confident that the institution will continue these efforts and will work to develop a plan to make its employees accountable with regard to official languages. New Brunswickers have a constitutional right to healthcare in their choice of official language. It is up to the institution, through its employees, to ensure that it complies with its linguistic obligations regardless of any exceptional circumstances, as noted above.

The present situation, along with the numerous other complaints filed with the OCOL in the past, clearly raises concerns regarding the future when it comes to providing healthcare services of equal quality in both official languages at Miramichi Regional Hospital.

The OCOL is hopeful that the situation in terms of official languages at Miramichi Regional Hospital will only improve. However, the OCOL will continue to monitor this matter closely.

Conclusion and Recommendations

The investigation of the Office of the Commissioner of Official Languages made it possible to establish, for the reasons stated in this report, that the complaint is **founded** and that Horizon Health Network (the institution) failed to meet its obligations under the *Official Languages Act* (OLA) of New Brunswick.

Having established that the complaint is founded, the Commissioner makes the following recommendations:

1. **THAT** the institution regularly remind all its employees of their linguistic obligations under the *Official Languages Act* to provide service of equal quality in both official languages to all members of the public without undue delay;
2. **THAT** in particular, the institution regularly remind all its employees of the importance of making an active offer of service in both official languages to maintain continuity of service in the language of choice of all members of the public;
3. **THAT** the institution submit an update regarding any “corrective actions” it proposes in its response as soon as they have been approved by Horizon’s Executive Committee or within six months of the filing of this report, as applicable;
4. **THAT** like other institutions having linguistic obligations under the *Official Languages Act*, the institution offer annual official languages training to all its employees, subject to a written commitment to the institution’s language policy, in order to create a work environment that respectfully incorporates both official languages at all times;
5. **THAT** the institution find innovative ways to encourage its employees to respect the language of choice of every member of the public at all times, thereby fostering an organizational culture that recognizes the importance and equality of both official languages in the workplace;
6. **THAT** the institution continue its efforts, as it has indicated in the past, to recruit bilingual healthcare practitioners and develop an innovative, rigorous plan with a timeline for the recruitment of bilingual staff to identify new pools of healthcare professionals, both locally and elsewhere, in order to immediately address deficiencies in the provision of services of equal quality in both official languages at Miramichi Regional Hospital and at all of its healthcare facilities;

- 7. THAT** the institution provide, within 30 days of the filing of this report, up-to-date versions of the contingency plans for the emergency and surgery departments at Miramichi Regional Hospital along with a communications plan for employees to ensure that they are aware of them;
- 8. THAT** the institution regularly review and update the contingency plans for all departments at Miramichi Regional Hospital to ensure these contingency plans are up to date and accessible to all employees so they can provide all the institution's services with equal quality in both official languages at all times;
- 9. THAT** the institution provide it with the outcomes of the pilot project regarding unannounced random checks among staff and its analysis of the successes or shortcomings of this exercise;
- 10. THAT** the institution continue to conduct random checks and present the results to its employees during their annual performance reviews as a reminder of the importance of both official languages in their workplace.

Pursuant to subsection 43(16) of the OLA, we submit this report to the President and Chief Executive Officer of Horizon Health Network, the complainant and the Premier. We also submit it to the Clerk of the Executive Council and to the Executive Director of the Secretariat of Official Languages.

Pursuant to subsection 43(18) of the OLA, if the complainant is dissatisfied with the conclusions presented following this investigation, they may apply to the Court of King's Bench of New Brunswick for a remedy.

Shirley C. MacLean, K.C.
Commissioner of Official Languages for New Brunswick
Signed at the City of Fredericton,
Province of New Brunswick,
This 6th day of March 2026