



Investigation Report

FILE NUMBER 25-26-116

INSTITUTION CONCERNED Horizon Health Network

SUBJECT Alleged deficiencies in the provision
of services in French

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

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Summary

This report was prepared following an investigation into a complaint against Horizon Health Network (the institution). Specifically, the complainant alleges deficiencies in the provision of services in French, as their father was not served at all in this official language by employees at Miramichi Regional Hospital during the first seven days of a nine-day hospital stay.

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 conduct a thorough review of all its services at Miramichi Regional Hospital to identify the root causes of the deficiencies in the provision of services of equal quality in both official languages and then offer a new set of robust solutions to eliminate the ongoing problems;
2. **THAT** the institution remind Miramichi Regional Hospital managers and administrators of its linguistic obligations more frequently and impose real consequences for any breach of its official language policies;
3. **THAT** the institution regularly remind all its employees of the location and contents of the official languages contingency plan for the Miramichi Regional Hospital Emergency Department, ensure that all employees comply with the contingency plan and implement disciplinary measures in the event of non-compliance;
4. **THAT** the institution continue prioritizing efforts to recruit and retain bilingual healthcare staff to strengthen the linguistic profiles of its healthcare facilities and enhance their capacity to ensure equal quality in both official languages for all services offered and provided;
5. **THAT** the institution continue to conduct random unannounced checks of employee compliance with official languages obligations, that it share the completion rates and results of these checks and that it inform the Office of the Commissioner of any changes made to its procedures within six months of the filing of this report;

- 6. THAT** the institution provide the Office of the Commissioner with an update on any ongoing discussions and all new steps and measures taken to develop an employee discipline plan for all its healthcare facilities within six months of the filing of this report;
- 7. THAT** the institution continue its efforts to provide ongoing official languages training to ensure its employees remain mindful of their employer's linguistic obligations and strengthen their commitment to better serving members of both official linguistic communities in their language of choice;
- 8. THAT** the institution respond to all of the recommendations contained in this report, provide an update on the solutions proposed and new measures adopted, and describe any future actions it intends to take to make sure all of its employees comply with its linguistic obligations with a view to ensuring equal quality in both official languages for all services provided, no later than six months after the filing of this investigation report.

Complaint

The details of the complainant's allegations are as follows:

On the night of November 8 to 9, 2025, the complainant's brother discovered that their father had fallen out of bed and he called 911. An ambulance with bilingual staff arrived, and their father was taken to Miramichi Regional Hospital. Another brother and his wife followed the ambulance to the hospital. When they arrived at the hospital, the brother's wife, who is a unilingual Anglophone, interacted with the staff in English.

The complainant states that their father does not speak English and that he remained in the emergency room on a stretcher for seven days. During that time, the complainant alleges that their father was not served at all in French by either the nursing staff or the attending physician, even when he explicitly requested it. The complainant says that the only time their father was able to speak French with a hospital employee was with a security guard. Since he was unable to receive service in French, the complainant says that their father did not know what was happening and did not understand why tests were being performed. Finally, the complainant says that their father felt ignored by the nursing staff and came to the conclusion that the healthcare staff was only there to serve Anglophones.

During the night of November 16 to 17, 2025, the complainant's father was finally given a room on the second floor of the hospital. Since the complainant's mother had also been hospitalized in October, the nurse on duty recognized the father. The nurse, who speaks some French, was finally able to explain to the complainant's father that he had pneumonia, which was one of the reasons he had been given antibiotics.

Lastly, the complainant states that on November 18, 2025, their father insisted on being discharged from the hospital because he was fed up and tired of being there. Their father is now back at home, and although he has to wear a heart monitor at the moment, he is happy to be out of the hospital.

The complainant lives outside the province. They explained that had they been able to travel to Miramichi while their father was in the hospital, they would have insisted that he be served in French. They find it unacceptable that their father had to go through what he did and feel that he should have been able to receive service in French at a hospital in Canada's only bilingual province.

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

Investigation under subsection 43(13) of the OLA

After the complaint was filed on November 16, 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 December 15, 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.

Response from the institution

On February 4, 2026, the institution sent the OCOL its assessment of the facts in response to the complaint, along with answers to the questions of the OCOL. It states:

[Translation]

We thank you for sending information regarding a complaint recently received by your office alleging deficiencies in the provision of services in the patient’s official language of choice. As Horizon promotes a patient-centred approach to care, the organization regrets any shortcomings the complainant may have experienced in the delivery of its services. After reviewing the allegations with the team concerned, we present our conclusions below.

Summary of complaint:

The complainant alleges that their father, a unilingual Francophone, was not served in French during a nine-day hospital stay at Miramichi Regional Hospital in November 2025. Although he explicitly asked to be served in French, he reportedly received care almost exclusively in English, which prevented him from understanding his diagnosis, medical tests and treatment. According to the complainant, the situation was very upsetting and unacceptable in a hospital located in Canada’s only officially bilingual province.

We met with representatives of the Miramichi Regional Hospital Emergency Department.

The institution concluded its response as follows:

[Translation]

We hope you find the information we have provided satisfactory. Horizon welcomes any recommendations you may have regarding the active offer and

official language of service. We remain committed to providing patient-centred care while respecting patients' language rights.

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.

The complainant alleges that their father was not served at all in French during the first seven days of a nine-day hospital stay at Miramichi Regional Hospital. He became frustrated and asked to be discharged so he could go home. The institution does not refute the allegations reported by the complainant.

Questions asked by the OCOL and responses provided by the institution

The questions asked by the Office of the Commissioner of Official Languages (OCOL) in the notice of investigation covered several points, including compliance with the OLA, major barriers encountered, the hospital's official languages protocol, the contingency plan, employee linguistic profiles and recruitment campaigns, random checks, disciplinary measures, staff training and service of equal quality.

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**.

Language of work and language of service

There are two health networks in New Brunswick: Vitalité Health Network and Horizon Health Network. Each network has an internal language of operation (French for Vitalité and English for Horizon). This is what is called the “language of work.”

Although the regional health authorities established under the *Regional Health Authorities Act* may determine an official language for the daily operations of the healthcare establishments, facilities and programs under their jurisdiction, as set out under sections 33 and 34 of the OLA, they are still required to comply with sections 27 to 28.1 and section 30 of the OLA. Under the *Regional Health Authorities Act* and the OLA, each network must ensure that members of the public receive health services in their official language of choice at all times. This is what is called the “language of service.”

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

28.1 An institution shall ensure that appropriate measures are taken to make it known to members of the

que leurs services lui sont offerts dans la langue officielle de son choix.

public that its services are available in the official language of their choice.

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.

According to the complaint filed with the OCOL, there are several shortcomings in the provision of services in the language of choice by employees at Miramichi Regional Hospital. First, the complainant alleges that while their father was hospitalized, he was unable to receive service in his official language of choice, French, until he was moved to a room on the second floor seven days after admission. Second, the complainant’s father, who does not understand English, did not know why he had to stay in the hospital or why he had to take antibiotics. Lastly, he felt that he was being treated unfairly because of his choice of official language and that the hospital staff were ignoring him.

The OCOL would like to take this opportunity to point out that this investigation is not the first to address deficiencies in the provision of services in French at Miramichi Regional Hospital. Since June 2021, numerous files on the matter (including files 21-22-064, 21-22-252, 22-23-265, 24-25-049 and 25-26-013) have been investigated by the Commissioner.

In fact, the institution’s response in file 25-26-013 submitted on July 28, 2025, suggested that the level of medical staff at the Miramichi Regional Hospital was inadequate and that, in some cases, there were issues with employee accountability in the event of non-compliance with existing language policies. The institution also stated that official language reminders had been issued to employees, that recruitment efforts were underway within the institution and at Miramichi Regional Hospital and that discussions regarding random checks would take place. In the investigation report for file 25-26-013¹ issued by the OCOL on March 6, 2026, the following recommendations were made:

- 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;*
- 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;*

¹ <https://bit.ly/4uUAvml>

- 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;*
- 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;*
- 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;*
- 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;*
- 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;*
- 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;*
- 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;*
- 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.*

However, according to new allegations in this file and another related complaint (file 25-26-115), the situation appears to be ongoing, if not getting worse. The OCOL wonders if the situation at Miramichi Regional Hospital stems from a systemic problem.

To gain a better understanding of the current situation regarding compliance with official language requirements at this hospital, the OCOL asked the following question:

[Translation]

How and how often does your institution issue reminders to all employees regarding the official languages and its linguistic obligations under the OLA?

The institution responded as follows:

[Translation]

The Emergency Department manager indicated that employees are reminded of their linguistic obligations under the Official Languages Act during team mini-meetings and regular team meetings held to discuss crisis situations. The manager also encouraged staff members to retake the e-learning module on the active offer. She also confirmed that the new official languages advisor for the Miramichi region will be participating in the strategy team's mini-meetings to promote compliance. Additionally, she asked the official languages advisor to provide reminders on tent cards or other items to remind staff members of their obligation to provide the active offer.

Regular reminders are clearly being issued to employees. However, despite the institution's response regarding the methods used to issue these reminders, it has become clear to the OCOL that this approach has not yielded the desired results. Over the past five years, the number of complaints filed against this healthcare facility alleging deficiencies in the provision of services in French has steadily increased.

It is important to note that, although employees act as representatives of the institution, the responsibility for ensuring compliance with linguistic obligations under the OLA falls upon the institution itself. It is up to the institution to implement measures targeting its employees to ensure that all members of both official linguistic communities receive all of the institution's services in their language of choice. Training resources will be examined in greater detail elsewhere in this report.

Based on the responses the OCOL received from the institution in this case and in previous cases, there is no doubt that the institution is aware of all its linguistic obligations under the OLA. In its many responses over the years, the institution has provided a comprehensive list of measures it has implemented in an effort to address the deficiencies brought to the OCOL's attention. The following paragraphs outline the challenges the institution has faced in ensuring all services are provided in equal quality to members of both official linguistic communities in the official language of their choice and without undue delay.

Major barriers

The institution is aware of the issues surrounding official languages at Miramichi Regional Hospital. When investigating the previous complaint (file 25-26-013), filed in April 2025, the OCOL asked a question regarding the major barriers preventing the institution and the healthcare facility in question from providing services in both official languages:

[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.

In July 2025, 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 OCOL revisited this issue in this investigation and asked the institution to describe any new steps it has taken to address these major barriers since submitting its previous response. The institution stated that a number of measures were already in place:

[Translation]

Horizon already has a structured set of mechanisms in place to ensure that patients and members of the public have access to services in the official language of their choice:

- *Institutional policies and procedures governing the provision of bilingual services*
- *Current staff linguistic profiles*
- *Contingency plans for language coverage*
- *Mandatory training for all staff members*
- *Mandatory training for managers*
- *Processes for investigating and addressing language complaints*
- *A language training program*
- *Patient satisfaction surveys on language of service*
- *Checks to ensure the active offer is being made and signage is bilingual*
- *General communication strategies*
- *Ongoing efforts to recruit bilingual staff*

The OCOL notes that, despite these many efforts, the problem at Miramichi Regional Hospital persists. The frequent filing of complaints with the OCOL demonstrates that the deficiencies are still present. According to the institution, employees are aware of their employer's linguistic obligations, and all staff and managers have received mandatory training and reminders. In addition, the institution carries out checks to ensure that the active offer of service is being made, but how is the importance of these obligations being communicated to staff?

As noted in the response in the previous file (file 25-26-013), employee accountability and commitment to the institution's language policies are two of the barriers present at Miramichi Regional Hospital. Although the linguistic obligations under the OLA fall on the institution, its employees act as intermediaries who provide services to members of the public. As a result, the institution can only successfully fulfill its obligations if its employees are committed to implementing them.

However, if managers and supervisors do not prioritize providing services in the language of choice of members of the public, how can we expect the employees working under them to provide services in a manner that respects the equality of both official languages? The institution's response indicates that a department manager appears not to have followed the procedure: *[Translation]* "The manager acknowledged that she had not carried out checks with her staff and has committed to doing so on a monthly basis moving forward."

The OCOL considers that this demonstrates a lack of concern for the importance of equality between the two official languages in the workplace. These checks are an important tool for helping the institution gain a more accurate picture of how its healthcare facilities operate with regard to official languages and of its employees' compliance with its language policies. These checks can help the institution determine whether changes to its guidelines are necessary. If the manager does not follow the policies established by the institution, how can we expect the employees she manages to follow them?

Compliance with linguistic obligations must be demonstrated from the top down. When managers comply with official language policies and promote them as a matter of great importance within the organizational culture, they have a significant impact on the day-to-day practices of the employees working under them. The institution therefore needs to overcome these barriers and ensure that its managers and hospital administration adhere to these policies. It will need to look closely at which approaches work well and which do not. It may need to consider holding hospital administrators accountable and change its approach to enforcing its language policies.

Official languages protocol at the hospital

The complainant finds it difficult to understand why the hospital staff did not provide all the father's care in French, despite him explicitly requesting it. The institution's response suggests that a protocol regarding patient registration and official languages is in place:

[Translation]

All patients, family members and members of the public have the right to receive services in the official language of their choice.

According to the institution's response, the active offer is the first step in the patient registration process. Once the patient's official language of choice has been identified, triage continues in that official language.

[Translation]

As stipulated in the guidelines for triage, the active offer must be made. The triage assessment is then performed in the patient's language of choice. Once the patient has been triaged, the nursing unit clerk verifies the chosen language and enters it into Meditech (registration software), and the information is printed on the patient's chart. This information remains in Meditech for subsequent visits but is verified in the same way for each visit. Another check is performed by the admitting clerk if the patient is admitted to the hospital.

When the complainant's father arrived at the hospital, the person accompanying him interacted with the hospital staff in English. The OCOL therefore sought to determine whether the staff in question might have misinterpreted the patient's choice of official language. The institution responded as follows:

[Translation]

We are unable to confirm whether this is what happened, but it is a possibility. The manager confirmed that the choice of language is supposed to be noted in the patient's admission record. The staff should therefore have checked the record and respected the patient's choice of language.

In this case, the OCOL finds it very difficult to understand why, in the seven days the complainant's father spent in the emergency department, throughout each shift, not a single employee—except for a security guard who provided interpretation—respected his choice of official language. Were all these employees able to easily access the Meditech registration software? Was the patient's official language listed incorrectly? Were there no bilingual employees working in the emergency department during all those shifts?

The OCOL wanted to know how the alleged situation could have occurred. The institution responded as follows:

[Translation]

According to the manager, there were very few, if any, staff members available who could speak French during that time. Because of this, it is possible that the security guard became involved as a French-speaking staff member.

The OCOL considers it unacceptable that, during the many shifts that the complainant's father spent in the emergency department at Miramichi Regional Hospital over the course of seven days, only a limited number of staff, if any, were available to provide services of equal quality in

both official languages. This appears to be an ongoing issue at this healthcare facility, as seen later in the section on linguistic profiles.

Due to the lack of French-language service, the complainant's father felt he was given unfair treatment throughout his stay in the hospital's emergency department. This gives the impression of an imbalance in the services offered by the institution, as well as the devaluation of one of the two official languages. In a minority setting, this situation is more than language insecurity; it is Anglonormativity² – the presumption that English is the dominant language. It is “a system of structures, institutions, and beliefs that marks English as the norm.” As a result, people in minority communities whose daily lives are already bombarded by Anglophone culture could find it difficult to assert themselves in French to health services, for whom, in their view, the French language has no value or weight.

Following his hospital stay, the complainant's father is convinced that the healthcare staff is only there to serve Anglophones. In fact, according to the complainant, he was not served at all in his language of choice. The complainant's father experienced a profound sense of inequality, which runs counter to the principles of the OLA and the *Canadian Charter of Rights and Freedoms*.

The OCOL consequently asked the institution about its efforts to address the public's perception that choosing one official language over the other puts them at a disadvantage. The institution responded as follows:

[Translation]

If the patient did not receive service in his language, it is understandable that he would feel this way, and it is unfortunate. Horizon acknowledges its linguistic obligations and believes that language is an important component of patient-centred care and safety. We remind our staff of this value regularly through various training sessions and communication strategies.

Once again, this shows that the institution is clearly aware of its linguistic obligations but that, despite its efforts to improve the situation, the problem persists and is even getting worse.

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.

The OCOL wishes to emphasize that the institution is failing to uphold the equality of New Brunswick's two official linguistic communities if it does not insist that its employees comply with

² <https://theconversation.com/pour-lutter-contre-lassimilation-des-francophones-au-canada-il-faut-sattaquer-a-langlonormativite-173877> [in French only]

all of its official languages requirements or even if it is unable to recruit a sufficient number of employees with the language skills necessary to provide all services with equal quality and without undue delay in both official languages.

Contingency plan

According to the institution, a contingency plan is in place for addressing situations in which an employee is unable to provide services in either of the two official languages. The complainant alleges that their father did not receive any service in French during his stay in the emergency department. That said, as noted above, the institution indicated that the number of staff members who could speak French during that time was minimal. Although a contingency plan exists, it is useless if the institution lacks the necessary human resources to implement it. The OCOL considers that this situation constitutes a serious failure on the part of the institution to meet its linguistic obligations under the OLA.

The institution explained the contents of the contingency plan as follows:

[Translation]

The manager confirmed that a contingency plan is in place for unilingual employees. The Emergency Department has an assignment board showing which employees are on duty. Bilingual employees have a blue dot next to their name so they can be easily identified. The department also has contact information for three other departments, should it not be able to quickly find a bilingual staff member.

It is unclear why the patient did not receive service in French or why the staff did not use a contingency plan that, according to the institution, was available to them. Based on its response, it is likely that not enough employees were assigned to the emergency department during that time. This leaves some questions unanswered: Were the employees on duty aware of the procedure to follow or of the existence of a contingency plan? Did the employees forget that this contingency plan existed? Or did the employees simply fail to use the contingency plan? Regardless, this points to a serious problem in that the equal status of the two official languages was overlooked or disregarded. Moreover, a government institution failed to respect the choice of official language of a member of the public during a very difficult and trying time.

The OCOL therefore reiterates the following recommendations from report 25-26-115:

Recommendation No. 1:

The Office of the Commissioner of Official Languages recommends that the institution conduct a thorough review of all its services at Miramichi Regional Hospital to identify the root causes of the deficiencies in the provision of services of equal quality in both official languages and then offer a new set of robust solutions to eliminate the ongoing problems.

Recommendation No. 2:

The Office of the Commissioner recommends that the institution remind Miramichi Regional Hospital managers and administrators of its linguistic obligations more frequently and impose real consequences for any breach of its official language policies.

Recommendation No. 3:

The Office of the Commissioner recommends that the institution regularly remind all its employees of the location and contents of the official languages contingency plan for the Miramichi Regional Hospital Emergency Department, ensure that all employees comply with the contingency plan and implement disciplinary measures in the event of non-compliance.

Employee linguistic profile and recruitment

As noted above, the capacity of Miramichi Regional Hospital employees to offer all services equally in both official languages remains an important issue. According to the institution's responses in previous files, recruiting bilingual staff at this hospital is a major barrier to meeting its linguistic obligations. The institution also admits that [Translation] "there were very few, if any, staff members available who could speak French during that time."

It should be noted here that, despite these major barriers, the institution's linguistic obligations remain. The OLA makes no exceptions for special circumstances: an institution governed by the OLA must be able to fulfill its linguistic obligations at all times, regardless of unforeseen circumstances. Although the institution stated that it is facing a shortage of bilingual staff, it is the institution's responsibility to use all possible means to ensure that all services are available and of equal quality for all members of both official linguistic communities.

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, equipped with a contingency plan, may ask for the help of a colleague with the required proficiency to offer the service in that language.

However, for this process to occur, an institution must, at the very least, have the necessary bilingual staff to provide the service, hence the need for effective recruitment campaigns. In the investigation report for file 25-26-013, the institution's response of July 28, 2025, stated that [Translation] "24% of [Emergency Department] employees are able to carry on a conversation in French." At that time, the OCOL noted that this percentage marked a decline in employees compared to the institution's previous response in file 24-25-049, dated October 11, 2024: [Translation] "Currently, 27.5% of Emergency Department staff members are bilingual."

When the OCOL asked for an update on the linguistic profile of this hospital's emergency department since their response for file 25-26-013, the institution replied:

[Translation]

The manager indicated that the linguistic profile at the Miramichi Regional Hospital emergency department has not changed significantly. She repeated that recruitment challenges persist and that there is a shortage of Francophone candidates.

The service (department) currently has 36 full-time and 4 part-time employees. Of these employees, 7 are able to carry on a conversation in French:

- *2 registered nurses with Intermediate French language proficiency;*
- *2 registered nurses with Intermediate Plus French language proficiency;*
- *1 registered nurse with Advanced French language proficiency;*
- *1 licensed practical nurse with Advanced French language proficiency; and*
- *1 Patient Care Attendant with Advanced French language proficiency.*

With so few bilingual staff in a workplace open 24/7, it is challenging to offer services in both languages. The situation requires a constant redistribution of tasks, and, occasionally, assistance from other services.

Based on a quick calculation by the OCOL, only 17.5% of emergency department employees can currently provide service in French, a 6.5% change since July 2025. The OCOL did not inquire about the linguistic profile of the hospital's other services, but based on the trend in the emergency department and the institution's responses regarding recruitment for the hospital at large, the OCOL believes that even the team approach and shift planning could present difficulties.

The OCOL finds that the situation at Miramichi Regional Hospital is cause for concern. Shortcomings in the delivery of healthcare services in both official languages demonstrate non-compliance in the equal treatment of all members of both official linguistic communities. Additionally, these shortcomings jeopardize safety. When members of the public turn to the healthcare system, they are in a vulnerable state; for most people this is unfamiliar territory, since they are not generally familiar with "medical" terminology. This situation can be exacerbated by barriers related to either official language.

In the notice of investigation for the previous file (file 25-26-013), the OCOL asked what the ideal linguistic profile was for emergency department staff in order to provide all services with equal quality in both official languages at Miramichi Regional Hospital. At the time, 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.*

The OCOL raised the same question in a related file (file 25-26-115), and the institution responded as follows:

[Translation]

According to the manager, the Miramichi Regional Hospital Emergency Department would ideally have at least one Francophone staff member responsible for patient registration and one or two Francophone employees per shift. At present, the challenge remains the lack of Francophone candidates applying.

Reviewing the data submitted by the institution, the current reality is clearly far from ideal. 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? Based on its responses, the institution is aware that the linguistic profile is insufficient.

The low numbers of bilingual staff in the emergency department at Miramichi Regional Hospital create conditions where it is difficult to ensure equal quality in both official languages for all services delivered. Shifts will also need to be reviewed regularly, perhaps requiring considerable effort on the part of the institution to meet its linguistic obligations at all times.

The OCOL requested an update on the institution's progress, challenges and successes in hiring bilingual staff following its response of July 28, 2025, in file 25-26-013. The institution responded as follows:

[Translation]

The manager said that in recent weeks, the recruitment team interviewed four potential employees. The inherent challenge is that none of these people were bilingual (French and English).

According to the Executive Director of Talent Acquisition, Horizon has implemented a strong marketing strategy, targeted to national and international bilingual candidates. Our campaign focuses specifically on Francophone communities,

notably through outreach activities in Winnipeg, Quebec and the United States, where we know there is a large pool of qualified bilingual healthcare professionals.

All positions are posted by the department manager with the appropriate language requirements clearly defined according to the linguistic profile of the position. Candidates found through recruitment strategies are then paired to vacancies. The capacity to serve the public in both official languages is a key factor in our workforce planning, and bilingual candidates are prioritized throughout our recruitment procedures to strengthen our ability to provide round-the-clock Francophone service at all our sites.

We will continue to fine-tune our efforts and work closely with our employees to ensure that patients receive care in the language of their choice.

.....
The Executive Director of Talent Acquisition indicated that we continue to achieve strong results while facing challenges in filling vacancies that require a bilingual profile. When it comes to successes, our national and international targeted recruitment campaigns have strengthened our capacity to attract bilingual candidates. Recruitment activities focused on Francophone communities have increased candidate interest, and we are seeing a growing number of new bilingual employees in several departments. Managers are also diligently determining language requirements for each job posting, ensuring that the capacity to serve the public in both official languages is intentionally improved and aligned with department needs.

However, challenges remain. The pool of qualified bilingual healthcare professionals is limited, and competition is fierce among employers in New Brunswick and across the country. The number of candidates is lower in certain geographical regions, and some specialty clinical positions are particularly difficult to fill with bilingual candidates. In addition, vacancies requiring advanced or highly specialized skills often take longer to fill when bilingualism is added to the requirements.

Despite these challenges, our recruitment efforts continue to prioritize bilingual candidates, and we remain committed to strengthening our capacity to provide services in both official languages across Horizon.

The institution is aware of the essential need for strategies to recruit and retain a skilled workforce that is able to respond to members of both linguistic communities. The OCOL recognizes that recruitment challenges do exist but reiterates that it is the institution's responsibility to ensure, by all possible means, that its obligations under the OLA are met, regardless of constraints incurred. The OCOL is encouraged by the fact that bilingual candidates are given priority in the hiring process.

The OCOL therefore recommends as follows:

Recommendation No. 4:

The Office of the Commissioner recommends that the institution continue to prioritize efforts to recruit and retain bilingual healthcare staff to strengthen the linguistic profiles of its healthcare facilities and enhance their capacity to ensure equal quality in both official languages for all services offered and provided.

Random checks and disciplinary measures

As noted above, random checks carried out by the institution to ensure that its employees are complying with its obligations are of the utmost importance to the OCOL. Without these checks, how can an institution determine whether its practices allow its linguistic obligations to be met? Random checks provide the institution with an idea of its capacity to offer all its services in the official language of choice of any member of the public. Furthermore, they can provide insight into employee accountability. According to the OCOL's observations, the repeated situations at Miramichi Regional Hospital do not stem from a lack of action or a lack of employee access to official languages resources. There is assuredly a shortage of bilingual staff, which contributes to the situation. But there are also cases where employees neglect to follow established official language protocols.

The institution's comments regarding the actions of an emergency room manager are documented on the previous pages. The OCOL believes that this type of situation creates a permissiveness on the part of certain employees to not follow procedure. If managers do not prioritize linguistic obligations in the organizational culture, the employees reporting to them will tend not to do so either.

In the previous investigation report (file 25-26-013), the OCOL stressed the importance of random checks to assess the compliance of healthcare teams with official languages obligations and to motivate certain employees and promote a service culture that incorporates the official languages.

For this investigation, the OCOL therefore asked the following question about compliance audits:

[Translation]

How have your random checks to assess employee compliance with official languages obligations progressed since your response of July 28, 2025?

The institution responded as follows:

[Translation]

Managers were trained on the new verification system in September and October 2025, and the system was rolled out in November. The manager acknowledged that she had not carried out checks with her staff and has committed to doing so on a monthly basis moving forward.

Horizon's Official Languages Team monitors completion rates and results. The procedure will be modified if completion rates do not improve or results appear biased. Senior management will be kept informed of any progress or changes to the checks.

Following a meeting with the institution's president and CEO in October 2025 and the responses regarding random checks, the Commissioner disagreed with the new verification system with advance notice to staff. According to the Commissioner, checks conducted with advance notice to staff are entirely useless. Checks must be random in order to provide a true picture of compliance or non-compliance with obligations under the OLA.

In fact, random checks raise employee 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 unannounced checks 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 reiterates the following recommendation from the investigation report in a related file (file 25-26-115):

Recommendation No. 5:

The Office of the Commissioner recommends that the institution continue to conduct random unannounced checks of employee compliance with official languages obligations, that it share the completion rates and results of these checks and that it inform the Office of the Commissioner of any changes made to its procedures within six months of the filing of this report.

During the investigation regarding file 25-26-013, the OCOL asked about the disciplinary measures the institution planned to implement to ensure that its employees complied with its linguistic obligations. The institution responded:

[Translation]

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.

The OCOL, in the investigation for this case, therefore asked a follow-up question:

[Translation]

Please provide an update on the management team's discussions and decisions regarding disciplinary measures for non-compliance with the internal official languages policy.

The institution provided the following response to the OCOL:

[Translation]

We confirm that management is currently discussing the implementation of disciplinary measures for non-compliance with the Official Languages Act and internal policy. We are working with the key parties involved to ensure that any approach adopted is aligned with collective agreements, non-unionized staff procedures and the organization's disciplinary and performance management frameworks.

Given the size and complexity of the organization, the objective is to establish a consistent, fair and lasting procedure that reinforces compliance with obligations while avoiding any adverse impact on employee engagement. This includes determining the appropriate format, frequency and scope of corrective measures and how they will fit into broader accountability mechanisms.

Although these efforts require careful coordination, discussions are underway and progress is being made. The organization remains committed to implementing a clear and effective framework to address non-compliance with official languages obligations.

The OCOL is pleased to learn that the institution takes its linguistic obligations and employee compliance with them seriously. Disciplinary measures are a complex issue and are generally only considered as a last resort. As can be seen from the institution's responses above, it has adopted a series of measures aimed at influencing the behaviour of its employees. However, as situations of non-compliance continue to occur, the institution is now looking into the possibility of adopting disciplinary measures aligned [Translation] "with collective agreements, non-unionized staff procedures and the organization's disciplinary and performance management frameworks." The OCOL would like to hear more over the coming months regarding the disciplinary measures proposed and adopted by the institution.

In this regard, the OCOL makes the following recommendation, which is reproduced from investigation report 25-26-115:

Recommendation No. 6

The Office of the Commissioner recommends that the institution provide an update on any ongoing discussions and all new steps and measures taken to develop an employee discipline plan for all its healthcare facilities within six months of the filing of this report.

Employee training

In its response of July 28, 2025 (file 25-26-013), the institution stated as follows in regard to official languages training for its employees:

[Translation]

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.

As part of this earlier investigation, the OCOL recommended that the institution offer an annual training program and that it include a written commitment to its language policy from all employees. Other institutions with linguistic obligations under the OLA incorporate this written commitment on an annual basis to remind their employees of their linguistic obligations as well as ensure employee accountability. The OCOL is of the opinion that official languages training for employees needs to take place on an ongoing basis, since, as seen in the institution's response, [Translation] "the knowledge they acquire is quickly overshadowed by the acquisition of other information." The reminders provided through the training are a useful tool not only in terms of compliance with linguistic obligations but also in terms of employee commitment to a work environment that fully respects the equality of both official languages.

The OCOL therefore requested an update regarding training content and frequency and the proportion of employees receiving official languages training. The institution provided the following explanation:

[Translation]

Horizon offers its employees language training opportunities in the form of online courses provided by the Université de Moncton as well as in-person and online tutoring through our Café de Paris service.

The Official Languages Advisor and Language Educator position in Miramichi, which was left vacant for several months due to an extended absence followed by a retirement, was filled in December 2025. This will provide Miramichi employees and leaders with an additional on-site resource.

Staff will continue to have access to other mandatory and optional e-learning modules offered by Horizon as previously mentioned.

.....
All new employees receive training on the active offer and linguistic obligations at time of hire. The manager confirmed that all employees in her department have taken the training. The Official Languages Advisor was invited to the staff meeting scheduled for February 5. During this meeting, staff members will have the opportunity to review their linguistic obligations as well as the tools and resources available to them. They will also be invited to take advantage of the language training opportunities available to them.

The OCOL hopes that Miramichi Regional Hospital will benefit from the services of the new Official Languages Advisor and Language Educator and that it will be able to take advantage of this person's work on the ground to recommend new concrete measures for improving the delivery of services of equal quality in both official languages by employees. This position is certainly an asset to the institution as an ongoing resource.

Lastly, the OCOL strongly recommends that follow-up training be provided to ensure that employees do not forget what they have learned over the years:

Recommendation No. 7:

The Office of the Commissioner recommends that the institution continue its efforts to provide ongoing official languages training to ensure its employees remain mindful of their employer's linguistic obligations and strengthen their commitment to better serving members of both official linguistic communities in their language of choice.

Commissioner's Observations

Following many prior investigations involving Miramichi Regional Hospital, the filing of the current complaint concerns the Commissioner since, despite the numerous measures adopted by the institution, the situation appears to be worsening.

Not only are the circumstances surrounding this complaint sad, but also they reveal a glaring lack of respect for the language rights of those concerned that is, without a doubt, cruel.

The situation at Miramichi Regional Hospital is very similar to that described in a recent decision of the Court of King's Bench in which the court ordered Horizon Health Network to pay damages (*Ouellet v Regional Health Authority B, operating under the name Horizon Health Network, a body corporate, The Moncton Hospital, a body corporate and His Majesty the King in right of the Province of New Brunswick, as represented by the Minister of Health*).

Judge Hamou noted in paragraph 72 of her decision:

The language rights violations in this case are all the more problematic because they followed two reports by the Commissioner, two reports that included specific recommendations from the Commissioner regarding the organizational culture and staff awareness of the language obligations arising from the OLA-NB.

In the case at hand, since June 2021, five files have been investigated by the Commissioner.

In *Ouellet*, Justice Hamou noted the institution's unsuccessful efforts to follow up on the Commissioner's previous recommendations:

...[T]he Defendant Horizon indicates attempts to comply with the Commissioner's recommendations. However, in light of the Plaintiff's evidence, the measures taken by the Defendant Horizon were clearly insufficient to raise awareness among staff members, as the violation of the Plaintiff's language rights continued despite the Commissioner's reports.

Finally, in paragraph 69 of its decision, the court summarizes the obligations incumbent on Horizon Health Network in these circumstances:

...[F]ailure to communicate in the language chosen by the member of the public thwarts that choice. The fact that a member of the public understands the other language does not negate their right to choose to communicate and receive services in the language of their choice. This certainly does not mean that all employees must be bilingual, but rather that employees must be able to direct the member of the public to someone who can communicate in the chosen language. Failure to respond in the chosen language [...] is a violation of the right to

communicate and receive services in the official language of their choice set out in section 27 of the OLA-NB and subsection 20(2) of the Charter.

In this particular case, a patient was allegedly not served at all in French during a seven-day stay in the emergency department at Miramichi Regional Hospital. The institution's responses suggest that there was a shortage of staff who could speak French during that time. The patient reportedly became frustrated and felt that the healthcare staff was only there to serve Anglophones, and so he insisted on being discharged. Although it is unclear whether the patient asked to be discharged due to a lack of service in French, the OCOL finds that this is a strong possibility. The patient in question, the complainant's father, was unable to understand why he was being kept in the hospital or why he was being given antibiotics, due to language barriers. The OCOL considers that this is a serious failure on the part of the institution to provide all its services with equal quality in both official languages.

The institution states that it continues to implement numerous measures to counter situations where its employees fail to comply with obligations under the OLA. Efforts to recruit bilingual staff do not seem to be yielding results, as the institution suggests. Since the filing of complaint 24-25-049 in July 2024, the linguistic profile of bilingual employees able to communicate in both official languages in the Miramichi Regional Hospital Emergency Department has dropped from 27% to 17.5%. How, the OCOL wonders, can equal quality service for members of both official linguistic communities be ensured if there are not enough employees to make this happen? Despite any challenges or special circumstances that may arise, as the institution is already well aware, its linguistic obligations under the OLA remain.

After analyzing the complaint and the responses forwarded by the institution, the OCOL has determined that the former is well aware not only of its linguistic obligations, but also of the ongoing problem at its healthcare facility. Even so, the institution is proposing new solutions by issuing reminders to its employees, offering training opportunities and conducting official languages checks.

The institution has said in the past that there are *[Translation]* "shortcomings in holding employees accountable for non-compliance with language policies" at Miramichi Regional Hospital. There appears to be a glaring lack of accountability on the part of certain employees. According to the OCOL, the institution has a long way to go, not only at this healthcare facility, but at all its facilities across the province.

To ensure compliance with a policy, it must be clear, accessible and known to all, notably through training and active communication. Management commitment, integration into work procedures, regular audits and corrective measures in the event of non-compliance are essential.

It is management's responsibility to lead by example, to be actively involved and to motivate employees to ensure that policies are followed. After all, if a manager does not believe in them, they are bound to have a difficult time convincing their staff not just to respect policies but to put them into practice.

The OCOL is hopeful once again that, with continued effort on the part of the institution, the situation at Miramichi Regional Hospital will only improve, and it will continue to monitor this issue in the future.

Recommendation No. 8:

The Office of the Commissioner recommends that the institution respond to all of the recommendations contained in this report, provide an update on the solutions proposed and new measures adopted, and describe any future actions it intends to take to make sure all of its employees comply with its linguistic obligations with a view to ensuring equal quality in both official languages for all services provided, no later than six months after the filing of this investigation report.

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 conduct a thorough review of all its services at Miramichi Regional Hospital to identify the root causes of the deficiencies in the provision of services of equal quality in both official languages and then offer a new set of robust solutions to eliminate the ongoing problems;
2. **THAT** the institution remind Miramichi Regional Hospital managers and administrators of its linguistic obligations more frequently and impose real consequences for any breach of its official language policies;
3. **THAT** the institution regularly remind all its employees of the location and contents of the official languages contingency plan for the Miramichi Regional Hospital Emergency Department, ensure that all employees comply with the contingency plan and implement disciplinary measures in the event of non-compliance;
4. **THAT** the institution continue prioritizing efforts to recruit and retain bilingual healthcare staff to strengthen the linguistic profiles of its healthcare facilities and enhance their capacity to ensure equal quality in both official languages for all services offered and provided;
5. **THAT** the institution continue to conduct random unannounced checks of employee compliance with official languages obligations, that it share the completion rates and results of these checks and that it inform the Office of the Commissioner of any changes made to its procedures within six months of the filing of this report;
6. **THAT** the institution provide the Office of the Commissioner with an update on any ongoing discussions and all new steps and measures taken to develop an employee discipline plan for all its healthcare facilities within six months of the filing of this report;

- 7. THAT** the institution continue its efforts to provide ongoing official languages training to ensure its employees remain mindful of their employer's linguistic obligations and strengthen their commitment to better serving members of both official linguistic communities in their language of choice;
- 8. THAT** the institution respond to all of the recommendations contained in this report, provide an update on the solutions proposed and new measures adopted, and describe any future actions it intends to take to make sure all of its employees comply with its linguistic obligations with a view to ensuring equal quality in both official languages for all services provided, no later than six months after the filing of this investigation report.

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. In addition, pursuant to subsection 43(17.1), the Office of the Commissioner requires that the institution acknowledge receipt of this report and respond in writing to all recommendations contained herein within 30 days of its submission.

We also submit the report 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 4th day of May 2026