



Investigation Report

FILE NUMBER 25-26-033

INSTITUTION CONCERNED Horizon Health Network

SUBJECT Alleged deficiencies in the active
offer of service and 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

ISSUE DATE April 2026



Summary

This report was prepared following an investigation into a complaint against Horizon Health Network (the institution). More specifically, the complainant alleges deficiencies in the active offer of service and provision of services in French in the registration and admissions department at the Dr. Everett Chalmers Regional Hospital, located in Fredericton.

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 continue to regularly remind all of its employees of the requirement to make the active offer of service in both official languages and to ensure continuity of service in the official language of choice of any member of the public to encourage employee accountability with regard to providing services of equal quality in both official languages;
2. **THAT** the institution continue to regularly remind employees of the contingency plan so that they are aware of its existence, know where to find it and are familiar with the institution's procedures for providing services in both official languages during every shift;
3. **THAT** during its annual employee evaluations, in addition to the Horizon Employer Employee Promise, the institution take the opportunity to reiterate its linguistic obligations under the *Official Languages Act* and the procedures to be followed by presenting the contingency plan and any other relevant tools again in order to emphasize to its employees the importance the institution places on an environment that promotes respect for the equality of both official languages in the workplace;
4. **THAT** the institution regularly review the linguistic profile of the registration and admissions department to make any necessary changes to more effectively meet the public's needs in relation to official languages;
5. **THAT** the institution continue to prioritize efforts to recruit qualified bilingual staff to strengthen its workforce capable of providing all of its services in equal quality in both official languages at all times;

6. THAT the institution offer all of its training modules and courses to all employees and managers on a mandatory basis to promote an organizational culture that respects the equality of both official languages in the workplace and that it ensure this training is repeated annually as a proactive rather than reactive measure;
7. THAT the institution provide follow-up with respect to the management team's discussions regarding disciplinary measures to ensure that all employees comply with their linguistic obligations under the *Official Languages Act*.

Complaint

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

The complainant presented in the registration and admissions department at the Dr. Everett Chalmers Regional Hospital on Thursday, June 5, 2025, at approximately 1:00 p.m. They indicated as follows:

[Translation]

The woman at the desk on the left who was registering patients did not make the active offer of bilingual service. When she called out the numbers for the next patients, she did so in English only (e.g. ninety-five). Furthermore, when I went up to the desk, she spoke to me in English only and made no effort to indicate that French was an option, despite a small sign in the corner (which was not prominently displayed).

Abbreviations and Terms Used

OCOL	Office of the Commissioner of Official Languages
The hospital	Dr. Everett Chalmers Regional Hospital
The institution	Horizon Health Network
OLA	<i>Official Languages Act</i> of New Brunswick
The department	Registration and admissions department at the Dr. Everett Chalmers Regional Hospital

Investigation

Investigation under subsection 43(13) of the OLA

After the complaint was filed on June 5, 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 July 28, 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 August 11, 2025, the institution submitted its response to the complaint, stating as follows:

[Translation]

Horizon Health Network has received your letter regarding complaint 25-26-033 concerning alleged deficiencies in the provision of services in French. The investigation conducted by the Official Languages department in conjunction with the department concerned revealed the following:

Registration and admissions department

The department manager identified the employee who was the subject of the complaint. The employee admitted that he had not made the active offer and had not served the complainant in the official language of choice. Following this incident, the department manager organized a meeting with the staff members who were present on June 5 to remind them of the basic principles of the institution's policy on official languages and of everyone's responsibility to comply with the policy. She also sent an email to the entire team to remind them of the procedure to follow. Lastly, she responded to this feedback by repositioning the "Hello/Bonjour" signs so that they would be more visible to patients and visitors arriving at the registration desks.

Attached to the institution's response letter was the following document:

- a) Contingency plan for the registration and admissions department at the Dr. Everett Chalmers Regional Hospital

Since this contingency plan is an internal document of the institution, the OCOL has decided not to include it in this report.

The institution concluded its response by stating the following:

[Translation]

Thank you for bringing this matter to our attention. 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.

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 contingency plan, employee reminders, employee and shift linguistic profiles, employee training and disciplinary measures.

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 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.

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 institution indicated that the registration and admissions department employee acknowledged that he had not made an active offer in both official languages and that he had communicated with the complainant in English only.¹ As a result, neither the active offer of service nor the continuity of service in the complainant’s official language of choice was provided.

The OCOL asked the institution the following question:

[Translation]

What procedure should have been followed by the employee of the department concerned in the complaint in this situation?

The institution provided the following response:

[Translation]

The employee should have called the patient’s number in both official languages. After that, they should have made an active offer (“Hello/Bonjour”) and paused to determine the patient’s chosen official language. Lastly, if the employee was not fluent in French, they should have said “Un moment s’il vous plaît” [one moment, please] and located the bilingual employee on duty that day so that they could provide quality service to the patient.

Contingency plan

In this regard, the OCOL questioned whether the institution had provided its employees with the tools to ensure service of equal quality in both official languages to all members of the public. It is important to note that not all employees are required 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. An important aspect of this is the contingency plan, an alternative procedure through which unilingual employees can ensure service is provided in the other official language. With the contingency plan in place, they can ask for help from a colleague with the required proficiency to offer service in that language.

¹ The complainant stated that the staff member in question was a woman; however, the institution used the masculine term “employé” in its French responses. For the sake of clarity, the OCOL has used gender-neutral pronouns in this section of the investigation report.

Based on the response, no effort was made to consult the contingency plan or to find an employee who could speak French, and no service was offered in French. The OCOL considers that this situation constitutes a serious failure on the part of the institution to meet its linguistic obligations under the OLA. Was the employee concerned aware of the existence of the contingency plan? Did they forget that the contingency plan could have helped them provide service of equal quality in the patient's official language of choice? Perhaps the bilingual staff member was away from their station or assisting another unilingual colleague at that time.

Regarding the contingency plan, the OCOL asked the following question:

[Translation]

Do staff assigned to the admissions department have access to a contingency plan outlining the steps to be taken if an employee is unable to provide service in the official language of choice of a patient or member of the public?

The institution replied that *[translation]* "[a]ll workstations have a contingency plan available to staff that sets out the steps to be taken." The institution also provided the contingency plan for the department concerned in this case.² The document makes no mention of the instruction to say "un moment s'il vous plaît," unless there are additional pages containing further steps that were not included in the institution's response. However, it does set out the procedure to follow if a unilingual employee is unable to communicate in the official language chosen by a patient or visitor. It also includes a reminder to seek assistance from a colleague with the necessary language skills to serve patients or visitors in their official language of choice as well as phone numbers for various departments within the facility. Lastly, it should be noted that, under the OLA, the institution has a legal obligation to provide its services in both official languages.

Employee reminders

As noted above, in this case, the contingency plan does not appear to have been used by the employee to provide a service of equal quality in the complainant's official language of choice. However, in the notice of investigation, the OCOL asked the following question regarding the institution's reminders to its employees concerning the active offer and delivery of services:

[Translation]

How does your institution remind employees about the active offer of services and the provision of services in the official language of choice of any patient or member of the public who comes to the Dr. Everett Chalmers Regional Hospital in Fredericton?

The institution provided a list of the tools used to remind employees of official language procedures:

² For the purposes of this investigation, the OCOL has not included the contingency plan provided by the institution in this report, because it is an internal document.

[Translation]

- *“Hello/Bonjour” signs serve as a visual reminder to both the public and employees that service in both official languages is required within the institution. They are displayed in various locations and feature the slogan “Your language. Your choice. Our commitment.”*
- *The Official Languages department also regularly communicates key messages through various channels, including the Horizon newsletter (internal newsletter), conference calls, TV announcements in the public areas of our healthcare facilities, and social media...*
- *Lastly, employees must also sign the Horizon Employer/Employee Promise every year. This document states: “I promise to live Horizon’s values by showing empathy, compassion and respect towards coworkers and the people I serve. I will act with integrity, and treat all people with courtesy and dignity, without discrimination. This includes providing the Active Offer to our patients and visitors.”*

The OCOL believes these are good initiatives for making employees accountable for their employer’s linguistic obligations. The written commitment from employees, in particular, places the institution on the same footing as other institutions with linguistic obligations under the OLA, which require a commitment from their employees regarding official languages. However, this does not explain how, if these measures are in place and employees are aware of them, the situation brought to the OCOL’s attention occurred. Was it an oversight or negligence? Furthermore, given the numerous complaints filed with the OCOL in recent years targeting the same healthcare facility, the OCOL wonders why these situations keep recurring if measures are in place to address official language issues at the Dr. Everett Chalmers Regional Hospital.

Recommendation No. 1:

The Office of the Commissioner recommends that the institution continue to regularly remind all of its employees of the requirement to make the active offer of service in both official languages and to ensure continuity of service in the official language of choice of any member of the public to encourage employee accountability with regard to providing services of equal quality in both official languages.

Recommendation No. 2:

The Office of the Commissioner recommends that the institution continue to regularly remind employees of the contingency plan so that they are aware of its existence, know where to find it and are familiar with the institution’s procedures for providing services in both official languages during every shift.

Recommendation No. 3:

The Office of the Commissioner recommends that, during its annual employee evaluations, in addition to the Horizon Employer Employee Promise, the institution take the opportunity to reiterate its linguistic obligations under the *Official Languages Act* and the procedures to be followed by presenting the contingency plan and any other relevant tools again in order to emphasize to its employees the importance the institution places on an environment that promotes respect for the equality of both official languages in the workplace.

Linguistic profile

As noted above, the contingency plan is an important tool that enables unilingual staff to ensure that all members of the public receive services in their official language of choice. The institution's linguistic obligations remain in effect even when it faces difficulties in filling certain positions. 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. The institution must ensure, by all possible means, that all of its services are available and of equal quality for all members of both official linguistic communities.

To do so, however, it is necessary to ensure that there is at least a sufficient number of bilingual staff members to provide the service, hence the need for effective recruitment campaigns.

The OCOL therefore asked the following questions regarding the linguistic profile of the registration and admissions department.

[Translation]

What is the ideal linguistic profile for staff assigned to the registration and admissions department at the Dr. Everett Chalmers Regional Hospital in Fredericton?

The institution responded as follows:

[Translation]

The registration and admissions department currently has 14 employees. After reviewing the linguistic profile, it appears that six employees have a level of bilingualism that meets the job requirements. According to the manager, these employees, combined with the bilingual employees from the other nearby departments listed in the contingency plan, should ensure that the linguistic needs of members of the public are met equitably at all times.

According to the OCOL's calculations, this indicates that 42.9% of employees are bilingual, a figure the institution claims is sufficient to meet all needs in the chosen official language of members of the public and that is sometimes inflated when employees in the department must ask employees from other departments to help them provide service of equal quality in both official languages.

The OCOL then requested information regarding the linguistic profile of the registration and admissions department on June 5, 2025. The institution responded as follows:

[Translation]

On that day, there were four people working in the department. Of those, one employee was bilingual with advanced language skills (B2.2).

Despite the institution's response, it appears that having 25% of its staff be bilingual was not sufficient for providing all of its services in both official languages. As noted above, the employee concerned in this case did not follow the contingency plan's instructions by asking a colleague for help when the complainant indicated wanting to be served in French. Was the only bilingual employee on duty that day at their workstation, or were they helping a colleague when the situation in question occurred? There was therefore a failure to provide service in French that day, which might have been avoided if the employee had followed the instructions or if the number of bilingual staff members had been greater.

The OCOL then asked the following question:

[Translation]

How does your institution ensure that, when staff are scheduled for a shift in the registration and admissions department, there are always enough bilingual employees on duty to meet the institution's linguistic obligations?

The institution provided this response:

[Translation]

There is a 24-week rotation for both full-time and part-time staff. It is not always possible to have bilingual staff on duty, as this is a rotating schedule and FTE (full-time equivalent) requirements must be met. Despite this staffing constraint, the needs of patients and visitors should be met in both official languages with the support of staff from the other departments listed in the contingency plan.

This last answer demonstrates that the institution is aware of its language obligations and is making various efforts to ensure they are met. However, it faces certain obstacles, including a limited number of bilingual staff available during certain shifts. It appears to have recognized the challenges it faces and has implemented measures to address them. The OCOL acknowledges that the situation regarding the recruitment of healthcare staff is precarious and supports the institution and its efforts.

The OCOL therefore makes the following recommendations:

Recommendation No. 4:

The Office of the Commissioner recommends that the institution regularly review the linguistic profile of the registration and admissions department to make any necessary changes to more effectively meet the public's needs in relation to official languages.

Recommendation No. 5:

The Office of the Commissioner recommends that the institution continue to prioritize efforts to recruit qualified bilingual staff to strengthen its workforce capable of providing all of its services in equal quality in both official languages at all times.

Employee training

The OCOL asked a question regarding official languages training and whether such training is mandatory for all employees. The institution responded as follows:

[Translation]

- *All new Horizon employees are required to complete an online module on the active offer. The Official Languages department would like to increase the frequency of this training (at least once every two years). Discussions are currently underway with senior management on this matter.*
- *Another training program called ACCENT is recommended for employees and mandatory for all managers. This program promotes a positive organizational culture around language and raises awareness about the use of resources provided by the Official Languages department.*
- *The active offer algorithm is posted above the printer used every day by all employees in the registration and admissions department.*
- *The manager indicates that she takes the time to discuss the active offer and the contingency plan during job interviews with candidates and that she also provides regular reminders to her current employees.*

The OCOL welcomes the training measures the institution provides to its employees. The institution indicates in this regard that resources pertaining to the active offer are clearly posted as reminders for employees. The institution also states that the manager of the department concerned highlights the active offer and the contingency plan during the hiring process and provides regular reminders to all employees. The OCOL considers that these reminders are an important and effective tool in the basic training of every employee at the institution.

The OCOL, like the institution, believes that these training opportunities should be more frequent so that the content of the modules remains fresh in employees' minds. The OCOL agrees that official language training every two years, as suggested by the institution, is beneficial. However, in other investigations conducted in the past, the OCOL has recommended annual training for all employees, including managers.

In addition, the OCOL notes that the ACCENT training is mandatory for managers, whereas it is only recommended for employees. The OCOL is of the view that, although it may be difficult for all employees to complete this training depending on their shifts, the benefits of having an “engaged” workforce in an environment that incorporates the official languages equally into the workplace are numerous and positive. The OCOL therefore makes the following recommendation:

Recommendation No. 6

The Office of the Commissioner recommends that the institution offer all of its training modules and courses to all employees and managers on a mandatory basis to promote an organizational culture that respects the equality of both official languages in the workplace and that it ensure this training is repeated annually as a proactive rather than reactive measure.

Disciplinary measures

The OCOL asked the following question:

[Translation]

What measures are taken if a Horizon employee does not comply with your institution’s official languages policy?

The institution provided the following response:

[Translation]

A discussion between the employee and the manager took place immediately after this complaint was escalated. The manager reminded the employee of the established procedure and asked the employee to retake the online module on making the active offer. At the institutional level, and as indicated in previous correspondence (complaint 25-26-013), our management team needs to meet to determine the best approach to formalizing disciplinary measures when a Horizon employee fails to comply with official languages guidelines.

The OCOL considers that requiring an employee to retake training is an excellent way to refresh their understanding of the official languages procedure in place. However, as noted above, the OCOL finds this measure to be reactive rather than proactive. Making this training mandatory on an annual basis could reduce the number of cases of non-compliance with linguistic obligations.

The OCOL proposes the following:

Recommendation No. 7:

The Office of the Commissioner recommends that the institution provide follow-up with respect to the management team's discussions regarding disciplinary measures to ensure that all employees comply with their linguistic obligations under the *Official Languages Act*.

Conclusion and Recommendations

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

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

1. **THAT** the institution continue to regularly remind all of its employees of the requirement to make the active offer of service in both official languages and to ensure continuity of service in the official language of choice of any member of the public to encourage employee accountability with regard to providing services of equal quality in both official languages;
2. **THAT** the institution continue to regularly remind employees of the contingency plan so that they are aware of its existence, know where to find it and are familiar with the institution's procedures for providing services in both official languages during every shift;
3. **THAT** during its annual employee evaluations, in addition to the Horizon Employer Employee Promise, the institution take the opportunity to reiterate its linguistic obligations under the *Official Languages Act* and the procedures to be followed by presenting the contingency plan and any other relevant tools again in order to emphasize to its employees the importance the institution places on an environment that promotes respect for the equality of both official languages in the workplace;
4. **THAT** the institution regularly review the linguistic profile of the registration and admissions department to make any necessary changes to more effectively meet the public's needs in relation to official languages;
5. **THAT** the institution continue to prioritize efforts to recruit qualified bilingual staff to strengthen its workforce capable of providing all of its services in equal quality in both official languages at all times;
6. **THAT** the institution offer all of its training modules and courses to all employees and managers on a mandatory basis to promote an organizational culture that respects the equality of both official

languages in the workplace and that it ensure this training is repeated annually as a proactive rather than reactive measure;

7. THAT the institution provide follow-up with respect to the management team's discussions regarding disciplinary measures to ensure that all employees comply with their linguistic obligations under the *Official Languages Act*.

The Office of the Commissioner would like to thank the institution for its cooperation in this investigation.

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 this report to the Clerk of the Executive Council and to the Executive Director of the Official Languages Secretariat.

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 30th day of April 2026