

**Position Paper on the Review of the
Official Languages Act
Of
New Brunswick - 2021**

**A Path Forward that Creates Unity Through
Fair Participation for All**

Produced by **The Anglophone Rights Association of New Brunswick**

Table of Contents

	Page
1. Introduction	3
2. Anglophones and Language	6
3. The Anglophone School System	
Obtaining and Retaining a Second Language.....	11
4. Participation	
Key to Anglophones and Francophones	25
5. Defining the Imbalance	29
6. Toward a Fair Bilingualism.....	36
7. Additional Concerns	43
8. Recommendations in Summary	47
9. Conclusion	49
10. Appendix A	50
11. Appendix B	52

Introduction

This position paper by the Anglophone Rights Association of New Brunswick (ARANB) provides explanations of the issues pertaining to language law application and presents proposed amendments to the Act that we believe will create greater harmony between the two official language communities in the province.

It is important that the official languages act creates fairness in the administration of the language laws and policies of our province. The official languages act came about because of a lack of fairness in government language services to the Francophone community. The report from the commission on review of the first official languages act in 1982 stated:

“The unbalance in representation of language groups within the provincial civil service creates tension and division which risks becoming irreparable in the near future. Equality of status for the groups is impossible to achieve if one of the linguistic groups is relegated to the status of second class citizenship or if they perceive themselves as such.”¹

There is a great opportunity here to resolve the tension that is often referred to in the media between the two official languages communities. This will be best accomplished by creating the mechanisms within the law that regularly analyzes and adjusts participation between the two official linguistic communities ensuring fair participation. No one will perceive themselves as second class citizens if the language laws are amended to address the legitimate concerns of both linguistic communities.

We are aware of the imbalance that existed in the decades that preceded the initial Official Languages Act in 1969. The Francophone community had limited access to government in their own language. The Francophone education system was subpar as was their healthcare facilities. The implementation of the official languages act launched the move toward provision of language service in their language by government.

To deal with Francophone education concerns the government also passed legislation (Bill 88) to establish their own education system and to address healthcare issues, a separate Francophone healthcare system management was established.

Over the years, there have been amendments to the language laws and policies. Most of these changes have been created with the Francophone community in mind, after all, Judge Bastarache stated in the Beaulac ruling that language rights are for the Francophone minority. Yet these laws have had significant effect on the Anglophone community as well. In fact, there has been very little research or consultation focused on the effect on the Anglophone community to ensure that the process is fair and inclusive.

¹ Poirier Bastarache Report, 1982, Page 413

In this position paper, we explain the challenges that Anglophones face with respect to learning and retaining a minority language in a majority language environment. The Anglophone school system has numerous failings when it comes to second language training. It is not however, the ultimate answer to Anglophone issues with regard to the implementation of bilingualism.

Participation has been and still is a concern for both French and English linguistic communities. That means participation in the workplace of the public service including all the companies and agencies associated and at all levels.

It is important to reach solutions that are reasonable and fair to the legitimate issues that the Anglophone community has. We will gain nothing by trying to overrule or disregard the legitimate concerns of either linguistic community. The Official languages act must and can work for all New Brunswickers.

Anglophones and Language

Anglophones are Unilingual

The bilingualism rate within the English-speaking community in New Brunswick is low, so low, that for all intents and purposes, Anglophones are unilingual. Stats Canada states:

“The English-French bilingualism rate for those who spoke French as their only mother tongue in 2016 was 72.1%, compared to 15.4% for those whose only mother tongue was English, and 14.1% for those whose mother tongue was a non-official language”².

Stats Canada came to this conclusion by simply asking people if they feel they could carry on a conversation in both official languages. There was no language testing done to verify their response. Achieving an employable proficiency level in bilingualism must be verified through testing. An “intermediate plus” proficiency certification in French language testing is the minimal requirement for job qualification in bilingual positions. The failure rate for this level is high (often 40%).

For a true picture of bilingualism, the question from Stats Canada should have been: Have you achieved an intermediate plus certification in the official language that is not your mother tongue? After 52 years since the introduction of the first Official Languages Act, the Anglophone community in New Brunswick is virtually unilingual.

We will examine the proficiency levels and testing in a further section.

For all these years, young Anglophone students have been graduating from high schools, with a substandard basis in French fluency. The large majority of those that did achieve a foundation in the French language, would have lost proficiency, as most would have attended English speaking institutions after high school graduation.

It is because of these official statistics from Stats Canada and the N.B. government, we know that for the last 40 plus years, Anglophones have been obtaining few of the bilingual designated jobs in the workplace governed by the official languages act. This has resulted in Anglophone participation being disproportionately low.

² www.nbjobs.ca/sites/default/files/pdf/2018-01-03-census-language_0.pdf

Language at Home and in the Family

The likelihood of being bilingual is governed by several realities. The language that one is exposed to, both at home and in the community is significant. The language spoken by parents has a huge impact on the bilingualism rate of Anglophones as noted here from Stats Canada:

“Anglophones and Francophones who were in the minority mother tongue group—both in Quebec and in the rest of Canada—were more likely to be bilingual in English and French in 2016 than those who were in the majority mother tongue group. The gap between the two groups, however, was much more pronounced in Canada outside Quebec, where people with French as a mother tongue were significantly more likely to be bilingual in English and French than those with English as a mother tongue. This was true for both children and adults³.

This document by Statistics Canada is an assessment of the 2016 census and is simply confirmation of what all Anglophones in New Brunswick should know, that lack of exposure to the French language, especially in the home, is an incredibly significant reason for the lack of success in learning and maintaining French as a second language for Anglophones.

Note that bilingual does not mean bilingual if not confirmed to a proficiency level of intermediate plus.

Language Characteristics of English New Brunswick

Another major barrier to Anglophones becoming bilingual is the language characteristics of their area of residence. Again, from the Stats Can Report:

“People living in a community with a higher concentration of the official language minority population are more likely to be or to become bilingual in English and French.

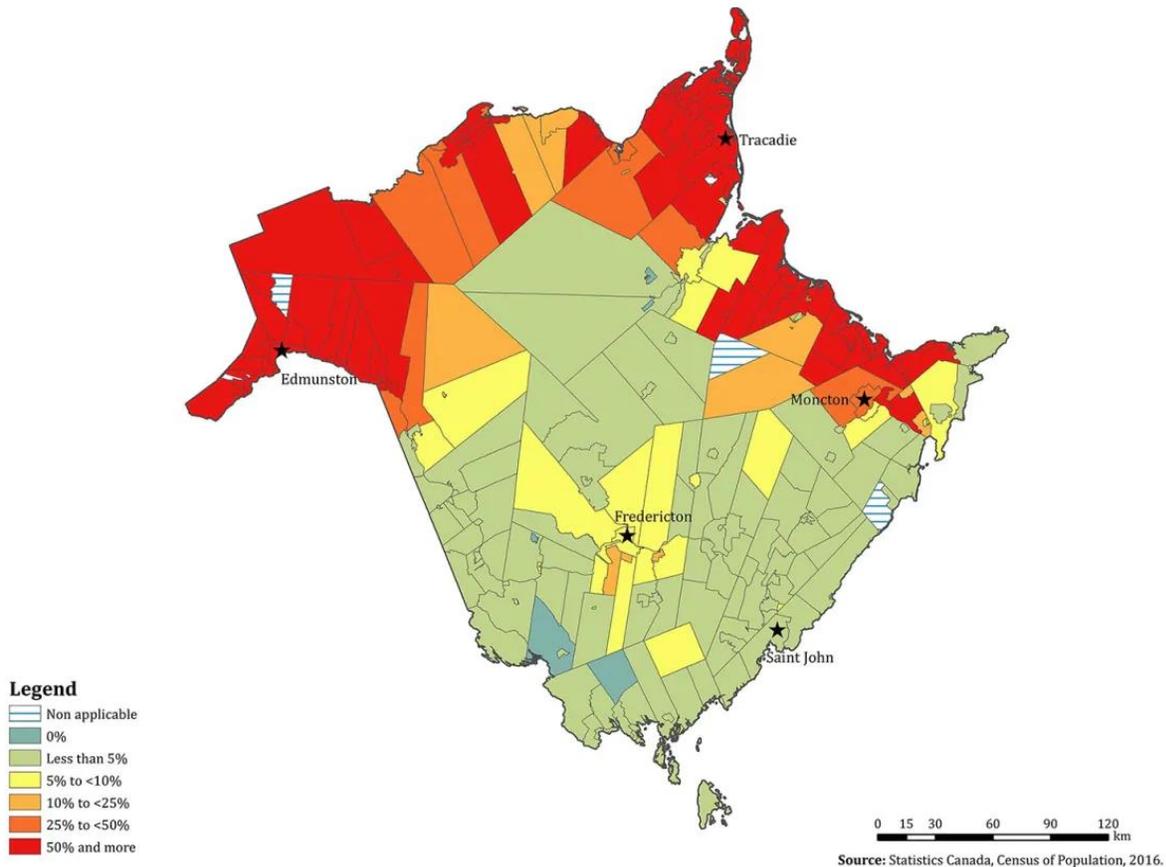
In Canada outside Quebec, 32% of the children and youth living in a municipality with a higher concentration of people with French as a mother tongue in 2006 (top quintile) were bilingual in English and French in 2016, compared with between 8% and 12% of those living in a municipality with a lower concentration of people with French as a mother tongue (first to fourth quintiles)”⁴.

³ Stats Canada Results from the 2016 Census2019, Page 9

⁴ Stats Canada Results from the 2016 Census2019

For Anglophones in New Brunswick there are areas where the English language is the mother tongue of over 94% of the residents. (See map below) The likelihood of Anglophones becoming bilingual and maintaining that ability is small in these counties of southern New Brunswick and is reflected in the low rate of bilingualism referenced earlier.

Map 1
Official language minority population, census subdivisions, New Brunswick, 2016



This map from Statistics Canada shows the density of French-speaking New Brunswickers. Red and orange mean a higher French-speaking population, while yellow and green signify a lower population. (Statistics Canada)⁵

This reality of the demographics of New Brunswick demonstrates the limited exposure for Anglophones to the use of the French language and as hard as it is to admit, the number of bilingual Anglophones will continue to be low.

⁵ <https://www.cbc.ca/news/canada/new-brunswick/french-language-decline-new-brunswick-statistics-canada-1.5077193>

The reality of Anglophones learning the French language to a high level and certainly retaining what they learn in these nearly total English counties is highly unlikely.

Here is a confirmation of this reality from the Journal of Applied Linguistics and Language Research:

“If learners only focus on classroom activities, they will not acquire the second or foreign language properly. Many learners learn English inside the classroom but if they do not get the chance to practice it outside the classroom, they will not learn it appropriately. It should be emphasized that exposure can directly improve a target language so that language proficiency may be a result of social interaction with speakers of the target language. (Peregoy & Boyle, 2005)”⁶ .

In English dominated areas of New Brunswick, there is not the opportunity to use French and therefore as the above quote states, students or adults will not learn it appropriately.

Assimilation of French as a Second Language

The Francophone community worries about assimilation and the retention of their French language. The numbers from the 2016 census confirm that French language use is dwindling.

It is critical to understand that it is unrealistic and unfair to expect Anglophones to retain French as a second language when Francophones cannot retain it as their first language even while having exposure at home and in their social circles.

⁶/www.researchgate.net/publication/328492845_The_Impact_of_Exposure_to_English_Language_on_Language_Acquisition P153

**The Anglophone School System
Obtaining and Retaining a Second Language**

Second Language Education in the Anglophone School System

The Anglophone school system offers two systems for the teaching of French second language, English Prime and French immersion. French immersion is trumpeted as the “Cadillac” of French learning systems. Its goal is to have the students reach an advanced level of French proficiency.

English Prime on the other hand, is a program that is not designed or expected to develop a French proficiency to the level of the French immersion program.

Education is a complicated and often controversial topic. In New Brunswick, the controversy is commonly around literacy and French language training. Our provincial literacy rate has been one of the poorest in the country while our French second language training program is very politically charged with rather limited results.

Here is an English perspective:

French Immersion

The French immersion program in New Brunswick is controversial and has been fiercely defended and promoted by successive provincial Governments and pro-immersion lobby groups. It has been deemed the ultimate in French language training in our provincial school system. Today approximately 36%⁷ of Anglophone students participate in French immersion. As the name suggests, the large majority of French immersion students are educated using the French language rather than their home language.

Entering into the research on this, it soon became clear that for every theory or opinion on French immersion, there is an opposite opinion or theory from a seemingly equally qualified expert. The measuring stick one must use to determine which view is most correct is good old-fashioned logic and reason. The following then, is a critique of the French immersion program. One of the most serious problems in developing a logical consensus is that French immersion is soaked in political agenda. Many Liberal and Conservative governments have bought into the idea that French immersion is the gold standard of language education.

French immersion has become almost cult like in some quarters. It has its own lobby groups, heavily financed by government to promote the program. French immersion is a program on a pedestal.

⁷ <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2018-2019.pdf>

The following sections to the end of page 16 pertain to aspects of French immersion.

Learning in the Home Language

In Europe, the home language of the student is valued:

“A fundamental aim of the European Schools, which makes this system unique and characteristically different from all other systems, is that every pupil should enjoy the benefit of learning in his/her dominant language⁸”

Logically this statement makes sense, yet in New Brunswick that understanding only applies to the Francophone school system.

But why is it valuable to learn in your home or dominate language? Here is an explanation from an article entitled “the impact of language policy and practice on children’s learning” produced by UNICEF:

“The research indicates that using the mother tongue in the classroom enhances classroom participation, decreases attrition, and increases the likelihood of family and community engagement in the child’s learning. Research also shows that using the mother tongue as the medium of instruction enhances the child’s cognitive learning processes, and that learner-centered learning has to be carried out in a language the child speaks in order to be effective⁹”

This, of course, is counter to what we do with Anglophone students in French immersion in New Brunswick.

What does it mean for young Anglophone kids to face their first school experience in another language from their own? This following quote from the British Council organization has validity:

“when learners start school in a language that is still new to them, it leads to a teacher-centred approach and reinforces passiveness and silence in classrooms. This in turn suppresses young learners’ potential and liberty to express themselves freely. It dulls the enthusiasm of young minds, inhibits their creativity, and makes the learning experience unpleasant. All of which is bound to have a negative effect on learning outcomes¹⁰”

Certainly not all students will stumble because of this foreign French environment they are placed in. Many will succeed despite this circumstance they find themselves in, but what could they have achieved in their dominate language as many experts’ advocate?

⁸ <https://www.eursec.eu/BasicTexts/2019-01-D-35-en-2.pdf> Page 4

⁹ <https://www.unicef.org/esa/sites/unicef.org/esa/files/2018-09/UNICEF-2016-Language-and-Learning-FullReport.pdf>

¹⁰ <https://www.britishcouncil.org/voices-magazine/why-schools-should-teach-young-learners-home-language>

In terms of logic, children are going to learn more and better in a language they understand. What is to be gained by having your child in a school system where he or she learns in their dominate /home language? The following quote offers a few possibilities.

Jody Arsenault, Founder and Chief Editor of the Canadian blog Mommy Moment.ca who withdrew her children from French school explains:

- “• mom and dad will be part of the community where they are going to school.
- mom and dad will be able to understand the homework and help them when they are discouraged.
- mom and dad will be able to actively and fully volunteer in the classroom and on field trips.
- mom and dad will be able to interact with our daughters’ friends and teachers.
- most importantly our girls will know that mom and dad cared about their emotional health when it mattered most.”¹¹

With French immersion, we have simply dismissed the idea that parental help is necessary.

The following quote is from Dr. Selena Kiser Second grade teacher; Ed.D. in Educational Leadership & Policy Analysis:

“Parental involvement with homework and engagement in their child’s education are related to higher academic performance, better social skills and behavior, and increased self-confidence”¹²

Parental involvement is limited in French immersion and therefore so are the benefits of such interaction.

Just as the educators know in Europe, learning in a language other than your home language isolates children with difficulties from support from family and other kids of the same language.

¹¹ <https://mommymoment.ca/dropping-out-of-french-school/>

¹² <https://www.teachhub.com/professional-development/2020/09/the-value-of-parents-helping-with-homework/#:~:text=Parental%20involvement%20with%20homework%20helps%20develop%20self-confidence%20and,making%20learning%20more%20meaningful%2C%20and%20having%20higher%20aspirations>

“What a program like French immersion does is it siphons off those kids who have engaged families who make sure the kids do all their homework,” says Andrew Campbell, a Grade 5 teacher in Brantford, Ont. “Because of that, the opportunities in the rest of the system are affected because the modelling and interaction those kids would provide for the other kids in the system aren’t there anymore”¹³.

The point made in this quote makes sense, yet it is dismissed in the frenzy over French immersion.

Cultural Extension

What about the Anglophone cultures and the connection to our English language? It seems our Anglophone French immersion system is doing a disservice to our young Anglophone children in that regard as well. This quote from “Independent Education Today”, a monthly magazine that specializes in private sector education:

“The mother tongue meaning for a child involves more than just language and includes the child’s personal, social and cultural identity”¹⁴.

And what of the cultural aspects of language for Anglophone kids in New Brunswick today immersed in the French language instead of their own? What of the benefits of children’s songs of culture and stories based on tradition in their English language?

Our friends in the Francophone community have recognized this cultural aspect and have not done to their children what we are doing to ours. Their children learn in their home language.

¹³ : <https://www.macleans.ca/education/just-say-non-the-problem-with-french-immersion/>

¹⁴ [https://ie-today.co.uk/people-policy-politics/the-importance-of-mother-tongue-in- /](https://ie-today.co.uk/people-policy-politics/the-importance-of-mother-tongue-in-/)

A Matter of Degree

In Europe it is thought that education in the home language is more important, and this is reflected in the teaching time allotted in European classrooms:

“On average in Europe, at the start of foreign language teaching, pupils have lessons for three to four hours a week. Compulsory lessons in a foreign language normally start at the end of primary school or the start of secondary school”.¹⁵

That is three or four hours per week dedicated to second language learning in European schools’ verses 90% of class time in French immersion here. Europe is often held up as a model for the creation of multilingual students and is very successful, even though operating on fewer class hours.

And so, it begs the question: How can students in Europe learn multiple languages in less time than our Anglophone students. The statistics tell us, our Anglophone school system produces few bilingual students with much more dedicated class time.

The Consequences of Streaming

The practice of placing children with combinations of mental, physical or learning disabilities together rather than integrating them in with other students is known as streaming. Today this practice is often seen as unacceptable.

There are those who may say that streaming is not happening, but the data suggests otherwise.

“All things being equal in New Brunswick, every class, French or English should have 3.4 students with special needs. But when a school offered French immersion, the average number of special needs students ending up in the English stream was 5.7. This kind of segregation is not unique to that province”¹⁶

Streaming takes place in the French immersion program both voluntarily on the part of parents or through the initiative and persuasion of school officials. Streaming takes place because many students have other barriers to overcome and learning in an unfamiliar language is a step too far. Generally, any parent who wishes their child placed in French immersion will be accommodated where numbers warrant or where the program exists. However, once a child struggles in French immersion, the most common response is to stream him or her back to the English program.

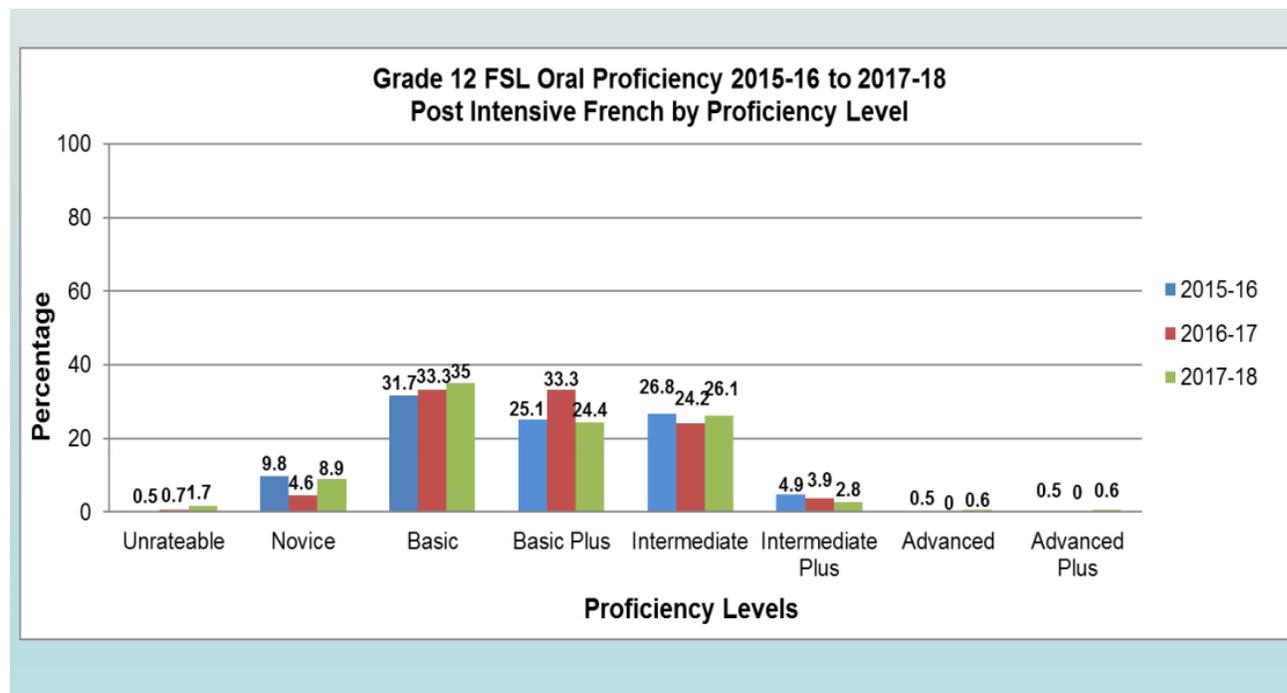
¹⁵ <https://www.eursec.eu/BasicTexts/2019-01-D-35-en-2.pdf>

¹⁶ <https://www.macleans.ca/education/just-say-non-the-problem-with-french-immersion/>

English Prime

It is important to point out, that the large majority of Anglophone students take part in the English Prime and Intensive French program as opposed to French immersion in our Anglophone school system. On average, 65% of New Brunswick students participate in English Prime which is not designed to reach the level of language competency that is expected of French immersion. As a result, there have not been acceptable numbers of these students that reach the intermediate plus level of proficiency.

The rate for English Prime (Post Intensive) achievement in proficiency tests is shown in this chart¹⁷. Only 2.8 percent obtained a French language proficiency of Intermediate plus in 2018.



So, while French immersion is the predominate focus in the language debate, the English Prime program by its numbers is a larger part of the student body but with a low participation in the testing and with a low second language proficiency achievement.

The 2019 data has been presented differently by combining intermediate rates with intermediate plus, advanced and superior. That hides the percentage obtaining intermediate plus.

¹⁷ 2017-2018%20Assessment%20DEC%20Presentation.pdf

Testing and Results

In 2018, the media reported the following results pertaining to our education system:

“The province has a goal that 90 percent of students who enroll in early French immersion should have an "advanced" ability to communicate in the language by the time they leave high school but in 2017 only 40.2 per cent met that standard.

Expectations for speaking French are lower for Grade 12 students who took late immersion and lower still for those who took post-intensive French but they too struggled to meet targets.

In the case of post-intensive French students, the target is for 90 per cent to achieve intermediate proficiency but in 2017 only 28.1 per cent tested at that level. That was a 4.7 percentage point decline from student results in 2016”.¹⁸

Keep in mind that these results are approximately 50 years after the implementation of French immersion and yet we are still forging ahead with the program. Young parents are placing their children in French immersion in record numbers. The program has been strongly supported and promoted by lobby groups such as Parents for French, the Liberal and Conservative governments both Federally and Provincially, and a few other political parties.

These groups and organizations are heavily invested and committed to pushing forward with French Immersion. As a consequence, it is impossible to achieve a reasonable analysis because the bias is baked in. Their most recent approach has been to double down and push for even more French immersion by starting in grade one.

The following two charts are a summary of information received from government through “Right to Information” requests and public government records. The primary goal of French language training should be to produce students who are able to obtain employment in the job market. In order to assess if the school system is reaching that goal, students are tested at several points through the school years including the grade 12 proficiency testing.

¹⁸ <https://www.cbc.ca/news/canada/new-brunswick/student-assessment-results-2017-1.4495669>

The following charts reveal the results of the New Brunswick Anglophone school system with regard to the proficiency levels achieved in French second language.

The first chart provides the results for 2018-2019 Grade 12 proficiency testing. There are four columns listing information for the Anglophone school system's east (ASDE), west (ASDW), north (ASDN) and south (ASDS) districts.

The important point of note is that **only 1616 students took the French proficiency tests** that year (28% of the total grade 12 population) and of those only 62% achieved an intermediate plus or better result.

This exposes two problems: a 40 percent rate of under achievement and only a 25 to 30 percent participation rate in taking the proficiency test in grade 12.

Level of Proficiency Certificates 2018/2019	# of Students	# of Students	# of Students	# of Students	Total # Students	% of Graduating Students for each Level of Proficiency
	ASD-W	ASD-E	ASD-N	ASD-S		
Superior C1	5	0	7	1	13	< 1%
Advanced B2.2	26	21	11	12	70	1%
Advanced B2.1	135	95	29	107	366	6%
Intermediate Plus B1.2	174	94	68	222	558	10%
Intermediate B1.1	87	117	31	232	467	8%
Basic Plus A2	20	16	5	34	75	1%
Basic A1/A2.1	26	8	3	15	52	< 1%
Novice A1.1	7	2	1	5	15	< 1%
Unrateable	0	0	0	0	0	0%
Number of Grade 12 Students that Took the French Proficiency Test	480	353	155	628	1616	
Total Grade 12 Students	1844	1322	798	1909	5873	
Percentage of Grade 12 Students that took the French Proficiency Test	26%	27%	19%	33%	28% Total	

Note: All percentages are rounded to the nearest 10th.
<= Less Than

References:

- 1 <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2018-2019.pdf>
- 2 Right to Information Request: Ref.: 2019-10-25, Dated December 4, 2019, Education and Early Childhood Development

In this second chart below, the history of the proficiency results is presented for the years 2013 to 2019. The performance is similar with approximately 25% of the Grade 12 students taking the test each year and 60% achieving an employable intermediate plus or better. These results include both French immersion and English Prime students together.

**Levels of French Proficiency Certificates Issued for Grade 12 Students
for School Years
2012/2013 through 2018/2019**

<i>Levels of French Proficiency Certificates</i>	<i>2012/2013</i>	<i>2013/2014</i>	<i>2014/2015</i>	<i>2015/2016</i>	<i>2016/2017</i>	<i>2017/2018</i>	<i>2018/2019</i>
<i>Superior C1</i>	<1%	<1%	<1%	<1%	<1%	<1%	<1%
<i>Advanced B2.2</i>	<1%	<1%	<1%	<1%	<1%	<1%	1%
<i>Advanced B2.1</i>	4%	4%	6%	6%	5%	6%	6%
<i>Intermediate Plus B1.2</i>	8%	8%	9%	8%	10%	9%	10%
<i>Intermediate B1.1</i>	8%	9%	7%	7%	6%	7%	8%
<i>Basic Plus A2</i>	1%	2%	1%	2%	1%	1%	1%
<i>Basic A1/A2.1</i>	1%	<1%	<1%	<1%	1%	1%	<1%
<i>Novice A1.1</i>	<1%	<1%	<1%	<1%	<1%	<1%	<1%
<i>Unrateable</i>	<1%	<1%	<1%	<1%	<1%	<1%	0%
<i>Number of Grade 12 Students that took the French Proficiency Test</i>	1489	1564	1501	1560	1507	1543	1616
<i>Total Grade 12 Students</i>	6404	6449	6233	6258	6237	6064	5873
<i>Percentage of Grade 12 Students that took the French Proficiency Test</i>	23%	24%	24%	25%	24%	25%	28%

Note: All percentages are rounded to the nearest 10%.
< = Less Than

References:

Right to Information Request: Ref: 2018-11-13, Dated December 14, 2018, Education and Early Childhood Development
 Right to Information Request: Ref: 2019-10-25, Dated December 4, 2019, Education and Early Childhood Development
<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2018-2019.pdf>
<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2017-2018.pdf>
<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2016-2017.pdf>
<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2015-2016.pdf>
<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2014-2015.pdf>
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<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/SummaryStatistics2012-2013.pdf>

The results have not been good. French immersion is not the miracle answer that many people think it is.

A Misconception About Testing

It is important to note that Grade 12 French language proficiency tests have not correlated with the pre-employment language testing done by the public service. These emails below explain the difference.

Messages

MO))) <miramichionline@gmail.com>

Mon, Nov 28, 2016 at 10:50 AM

To: kelly.cormier@gnb.ca, veronique.lacasse@gnb.ca, Elizabeth.Stymiest@gnb.ca

Hello:

I recently attended a French Immersion information session where a question was asked that the moderator said she was unable to answer. The ranking scale (the New Brunswick Oral Proficiency (OP) Scale/Common European Framework of Reference (CEFR)) was explained that it was the benchmark for evaluating immersion students. A woman in attendance asked how this scale compares to the Oral Proficiency Evaluation - Certification scale that is used to evaluate civil servants.

Can you provide a comparison? Seems like an important question since that's the reason most parents would enroll their kids in French Immersion.

Thanks in advance.

-

Larry Lynch
Editor, Miramichi Online

Cormier, Kelly (ECO/BCE) <Kelly.Cormier@gnb.ca>
To: "MO)))" <miramichionline@gmail.com>

Tue, Nov 29, 2016 at 12:32 PM

Hi Larry,

I apologize for the delay in responding.

While both sets of assessments evaluate oral language proficiency, they are very different. The OPI (Oral Proficiency Interview) and CEFR (Common European Framework of Reference) assessments focus on language competency for school children. Our students are assessed on their oral language proficiency based on their learning environment in school. The PSC (Public Service Commission) assessment is a scale for adults measuring competencies in the workplace. The context of each of set of assessment is different.

I hope this is helpful.

Kelly

Let us look at this closer. There are two oral French language proficiency evaluations, one in Grade 12 of high school and another when someone applies for a bilingual position in the public service. The grade 12 assessment is based on students learning environment in school. The Public Service assessments are for adults measuring competencies in the workplace. While both sets of assessments evaluate oral language proficiency, they are very different.

There has been a misconception by many in the Anglophone community that students achieving an intermediate plus certification in grade 12 testing would qualify for entry level positions in the public service. This information contradicts that.

Retention and Language Attrition

It is one thing to learn French but quite another to retain it in this English dominated country and continent. Francophones are very familiar with the difficulty in maintaining the French language in this environment. Stats Canada produced information regarding retention of the French language in their issue of Insights on Canadian Society, a study on English - French bilingualism based on data from the 2006 and 2016 censuses of population:

“Assuming that the English–French bilingualism retention level remains similar to what has been observed in recent years, the English–French bilingualism rate among Canadians outside Quebec with English as a mother tongue would remain fairly unchanged from 2016 to 2036, at around 7%”¹⁹

That is right 7%! One might argue that New Brunswick is different but, in reality, most of the Anglophone population live in the southern part of the province where Anglophones are seldom exposed to the French language in their daily lives. What is being asked of Anglophones, the majority of whom live in highly predominate English communities and counties, is not only to learn French to high proficiency but to retain it.

The following quote expresses this truth about retaining the French language.

“In order to truly master a language, it takes consistent practice, time and effort. Once you stop practicing, you lose the language. You would be surprised at how quickly your

¹⁹ https://deref-mail.com/mail/client/HTpMeXBiwps/dereferrer/?redirectUrl=https%3A%2F%2Fwww150.statcan.gc.ca%2Fn1%2Fpub%2F75-006-x%2F2019001%2Farticle%2F00014-eng.htm%3Ffbclid%3DIwAR1AM_ztutgW7g2qXkvEIOZPGPRVHotCrix0-gfj0CXRVSFjQad46trrer8g

vocabulary, comprehension and grammar plummets. This phenomenon is known as language attrition. In other words, “use it or lose it!”²⁰.

It is being suggested that Anglophones spend their time watching and listening to French TV and music. That is a big ask of a majority community in predominately English areas who seldom encounter the need for French fluency.

It is worth repeating that if Francophone’s struggle to maintain French as their first language, is it realistic to expect Anglophones to retain it as their second language? This reality needs to be accommodated while still providing service to the Francophone community in their language.

Competency in English Literacy

Anyone observing French Immersion from a logical point of view based on the laws of logic would question how Anglophone students taking their courses in French 90% of the time can possibly acquire their English literacy to the same level as students in English Prime. Yet that is what proponents and so - called experts will tell you.

The government sponsored lobby groups promoting French Immersion are deceptive in their defense of French immersion when the English competency of immersion students is questioned. They are quick to make an unfair comparison to the English prime students.

Remember, a good number of English prime students were streamed out of French immersion for various reasons leaving this French immersion elite of higher skilled students. Why are they not comparing Immersion students to students of equal talent and ability in English programs?

The National Post ran an article entitled “Why French immersion is not always the best for your child”. This quote is from that article:

“The bright students who graduate from French immersion with better than average English skills might be doing as well as they possibly could, but it’s also possible that had they not spent their senior kindergarten through Grade 3 years with virtually no English instruction whatsoever (as is the case for immersion students in the Toronto District School Board), their English abilities might be even stronger”²¹.

²⁰ <https://www.camptournesol.ca/debunking-the-myths-why-you-should-not-pull-your-child-out-of-french-immersion/>

²¹ <https://nationalpost.com/opinion/marni-soupcoff-why-french-immersion-is-not-always-the-best-for-your-child>

The author makes a valid point, which brings us back to the European philosophy of the importance of education in your home and family language.

In Summary

- New Brunswick's French language education program is extremely polarized, politicized, and bogged down in bias especially in regard to French Immersion.
- Education in students' home language should be valued in Anglophone New Brunswick.
- The results of the French language testing should tell government that a different approach is needed.
- The required proficiency level in French second language should be set at Intermediate.
- The elevation of French immersion to a preferred status with government funded lobbying and historical political commitment to it, precludes any objective analysis and so little is likely to change.
- The Grade 12 French proficiency testing must be brought in line with the public service testing so that the Grade 12 results are accepted for job placement.

In the end, if government concludes that Anglophones learning French is the answer to Anglophone concerns regarding the application of bilingualism then the issues and tension shall remain.

Participation

Key to Anglophones and Francophones

“In the final analysis it doesn’t really matter what the political system is...We don’t need perfect political systems; we need perfect participation.” – Cesar Chavez

The Common Desire

The desire to take part in the institutions that administer our province is a common desire to both the Anglophone and Francophone communities. It is human nature to wish to participate in a fair and balanced way. Accomplishing this end is definitely achievable. All that is needed is the mechanisms to ensure that the participation rate of both communities is measured and adjusted, as necessary.

In 1969, then Premier Louis Robichaud introduced the first Official Languages Act promising the Anglophone community the following:

“The aim of this Bill is the extension of rights for all New Brunswickers. It in no way diminishes rights now enjoyed by New Brunswickers. On an individual basis it is the right of New Brunswickers to be and remain unilingual or to speak two or more languages. The objective is to ensure that no unilingual New Brunswicker finds himself at a disadvantage in participating in the public life of our province. With respect to the civil service the fact that a man or a woman is unilingual will not be a hindrance to the appointment and promotion in the civil service while other qualifications being equal. I think this is a fair bill and if all is treated fairly, implemented fairly and harmoniously, I believe it will lead to a much better understanding.”

We propose actions to ensure that our two linguistic communities have a fair and balanced participation in public service employment and decision making.

In the following pages, we will show that Premier Robichaud’s promise has not materialized.

Bernard Poirier and Michel Bastarache, two decorated and high-profile Francophones, produced a very in-depth report in 1982 as part of the task force on official languages commissioned by then Premier Richard Hatfield.

In that report, Poirier and Bastarache stated:

“The central problem of bilingualism right now as perceived by Francophones is, most certainly, the one of participation of Francophones in the provincial public service”²².

They recognized, all those years ago, that **participation** was important and today it is recognized as just as important.

The central problem of bilingualism right now for Anglophones is most certainly participation in the provincial and federal public service.

We also see a commitment from the Federal government regarding participation:

39 (1) The Government of Canada is committed to ensuring that:

- (a) English-speaking Canadians and French-speaking Canadians, without regard to their ethnic origin or first language learned, have equal opportunities to obtain employment and advancement in federal institutions; and**
- (b) the composition of the work-force of federal institutions tends to reflect the presence of both the official language communities of Canada, taking into account the characteristics of individual institutions, including their mandates, the public they serve and their location²³**

It follows that provincial institutions should also reflect the presence of both official language communities.

²² Poirier Bastarache Report, page414

²³ Federal Official Languages Act, PartVII

Reflecting Society

How shall we measure the “composition of the workforce” in our effort to have the work force **reflect** the presence of both official language communities in the proportion they hold in the general population?

Poirier and Bastarache stated how we should define “fair participation” in their report:

“For lack of territorial bilingualism, the two peoples that live together must, bilingualism apart, be present in the civil service in an equal proportion to that of their people in the province. Hence, if in 1976 using the mother tongue as the criteria, some 33% of New Brunswickers were considered to be of French culture, this proportion should be found within the civil service.”²⁴

This Poirier Bastarache statement provides the basic numerical understanding of what is meant by the work force in the public service reflecting the society it serves. It also provides the means by which this fair proportional balance within the public service must be measured when referring to “**mother tongue**” as the criteria.

We cannot expect that balancing “participation” will be as exact numerically as Poirier and Bastarache had offered. However, maintaining a fair province wide participation rate within 5% of the number of each group in the general population is reasonable. For Anglophones (68% of our population), it would mean that our participation might vary 5% more or less.

Poirier and Bastarache made two specific recommendations regarding participation:

The Official Languages Act of our province must be amended to commit government to the principle of “fair participation” for Anglophones and Francophones.

(3) the necessity of assuring an equitable representation of both language groups in the public service;

(4) the necessity of recognizing local identity of linguistic groups and their legitimate desire of seeing the government administration reflect the geographic distribution of the population”²⁵.

Poirier and Bastarache brought up an important point with their number (4) recommendation. They wanted the government administration (management) to be largely French in areas where the population was predominately French. This seems reasonable and can work for Anglophones as well in the counties where the population is predominately English.

²⁴ Poirier Bastarache Report, page 126

²⁵ Poirier Bastarache Report, page 414

Defining the Imbalance

Anglophone Participation in the Public Service

The following Table 3 was provided by the Finance and Treasury Board and reveals the number of “Bilingual Essential” (BE) positions designated by each government department to provide bilingual service.

Definitions:

For linguistic team Requirements and Actuals the data is defined as follows:

Required BE = # of required Bilingual Essential positions within the team.
Required FE = # of required French Essential positions within the team.
Required EEAE = # of required English Essential positions within the team.
Required EOUA = # of positions that can be filled by Unilingual English or Unilingual French employees.
Required Total = Total # of positions required within the linguistic team

Actual BE = # of Bilingual Essential employees assigned to the team
Actual FE = # of French Essential employees assigned to the team.
Actual EEAE = # of English Essential employees assigned to the team.
Actual Total = Total # of employees currently assigned to the team.

Percentage met = Percentage of the team meeting the linguistic profile as required
Percentage not met = Percentage of deficiency calculated from the linguistic profile

The table demonstrates the high percentage of public service jobs being designated “bilingual essential”.

Table 3

Linguistic Profiles by Department											
Data as of August 28, 2019											
Department	Required BE	Required FE	Required EEAE	Required EOUA	Required Total	Actual BE	Actual FE	Actual EEAE	Actual Total	% Met	% Not Met
Agriculture, Aquaculture & Fisheries	151	1	85	1	238	101	2	89	192	78.6	21.4
Economic Development	14	0	16	0	30	15	0	14	29	100.0	0.0
Education & Early Childhood Development	109	24	43	0	176	84	15	24	123	81.8	18.2
Energy and Mines	0	0	3	0	3	0	0	2	2	100.0	0.0
Energy and Resource Development	218	19	368	13	618	161	22	226	409	89.2	10.8
Energy Efficiency Agency	15	0	17	0	32	19	0	9	28	100.0	0.0
Environment	55	0	62	0	117	47	0	56	103	93.2	6.8
Environment and Local Government	253	0	217	0	470	219	0	179	398	92.1	7.9
Executive Council Office	76	0	96	0	172	77	0	61	138	98.3	1.7
Finance	54	0	71	0	125	53	0	57	110	94.4	5.6
General Government	21	0	32	0	53	22	0	23	45	98.1	1.9
Government Services	11	0	23	0	34	11	0	16	27	100.0	0.0
Health	156	0	157	0	313	137	0	103	240	91.7	8.3
Internal Services Agency	6	0	8	0	14	4	0	6	10	85.7	14.3
Justice	296	3	207	0	506	235	2	175	411	86.8	13.2
Justice and Public Safety	115	2	70	0	187	110	1	57	168	95.7	4.3
Legislative Assembly	6	0	17	0	23	6	0	16	22	100.0	0.0
Office of the Premier	8	0	7	0	15	7	0	4	11	86.7	13.3
Opportunities NB	11	0	14	0	25	8	0	9	17	80.0	20.0
Post Secondary Education, Training & Labour	470	51	227	0	747	413	48	208	668	91.8	8.2
Public Safety	502	2	508	0	1,012	405	2	412	819	87.5	12.5
Regional Development Corporation	22	0	8	0	30	23	0	4	27	96.7	3.3
Service New Brunswick	872	52	1,214	64	2,212	1,219	17	575	1,811	100.0	0.0
Social Development	736	148	653	0	1,536	668	90	553	1,311	92.2	7.8
Tourism, Heritage & Culture	130	6	109	7	252	102	2	84	188	86.1	13.9
Transportation & Infrastructure	393	143	1,642	149	2,327	481	108	1,072	1,661	96.3	3.7
Treasury Board	59	0	114	0	173	52	0	95	147	94.8	5.2
Total	4,758	450	5,988	234	11,440	4,678	309	4,129	9,116	92.5	7.5

Table 4 below is a break down of linguistic profiles of the 26 government departments listed and it represents the government's linguistic plan.

If the public service is to reflect the society it serves, then the question becomes why are so many of these departments, requiring such high numbers of bilingual employees?

Table 4 (derived from Table 3)

Linguistic Profiles by NB Government Departments			
as of August 28th, 2019			
Department	Bilingual Essential Positions	Team Size	% Bilingual
Agriculture, Aquaculture & Fisheries	151	238	63%
Economic development	14	30	47%
Education & Child Development	109	176	62%
Energy & Resource Development	218	618	35%
Energy Efficiency Agency	15	32	47%
Environment	55	117	47%
Environment & Local Government	253	470	54%
Executive Council	76	172	44%
Finance	54	125	43%
General Government	21	53	40%
Government Services	11	34	32%
Health	156	313	50%
Internal Services Agency	6	14	43%
Justice	296	506	58%
Justice & Public Safety	115	187	61%
Legislative Assembly	6	23	26%
Office Of the Premier	8	15	53%
Opportunités New Brunswick	11	25	44%
Post Secondary Education	470	747	63%
Public Safety	502	1012	50%
Regional Development Corp	22	30	73%
Service New Brunswick	872	2212	39%
Social Development	736	1536	48%
Tourism, Heritage, Culture	130	252	52%
Transportation & Infrastructure	393	2327	17%
Treasury Board	59	173	34%

The numbers show the government's intention to designate a high number of positions as bilingual.

Anglophone Participation in Public Service Management

The civil service is comprised of over 46,000 jobs²⁶ but it is much more than that. It determines who in private industry gets contracts with the government. It has control over the administration of government policy, drafting of laws and policies, hiring of employees, setting spending priorities and the distribution of government services. Elected government officials rely on the civil service for information and advice in carrying out the government policy and enacting new laws.

Language commissioner Katherine d'Entremont worked tirelessly to advocate that all senior public service positions be bilingual. Here she states:

"In a province with two official language communities, unilingualism of senior public servants is a significant impediment. Indeed, unilingual executives are unable to manage some employees in their language of choice. The language barrier prevents them from communicating directly with members of the other linguistic community."

This push to increase bilingual positions at all levels of the public service has been highly successful and has happened while it was clear that Anglophones were ill prepared and would be left out. As a consequence, the public service has a disproportionately low number of Anglophone employees including in its in the senior administrative ranks.

The imposition of language laws and policies upon the Anglophone majority by successive governments while knowing Anglophones were ill prepared and while having not provided the mechanism to ensure fair participation is a serious act of intentional neglect and trespass. The Anglophone community is owed compensation for this treatment in the form of a participation guarantee and the accompanying process to achieve it.

In addition to limited job opportunities in the public service, the majority population is arguably losing participation within the decision-making process of the public service. Senior management positions have become out of reach for the Anglophone majority due to the dominance of the bilingual job requirement. This is a serious infringement upon the spirit of the Official Language Act.

Table 5 on the next page, is taken from the official languages commissioner's report of 2014-2015.

The percentage of bilingual senior public servants has been steadily growing since then. The percentage of 49% is disproportional to the number of Anglophones in the general population.

²⁶ <https://www2.gnb.ca/content/dam/gnb/Departments/ohr-brh/pdf/other/WorkforceProfile2018.pdf>

Table 5

BILINGUAL CAPACITY OF THE SENIOR PUBLIC SERVICE IN NEW BRUNSWICK (PART I)

Bilingual capacity of senior public servants: 49%
Number of bilingual senior public servants: 159
Total number of senior public servants*: 328
*Senior public servants account for roughly 3% of the total number of provincial department and agency employees (Part I).

BILINGUAL CAPACITY OF THE SENIOR PUBLIC SERVICE, BY SENIOR PUBLIC SERVANT CATEGORIES

Position category	Employees		Bilingual capacity in % Ratio of number of bilingual senior public servants to total number of senior public servants
	Number of bilingual senior public servants	Total number of senior public servants	
Deputy Ministers	11	17	61%
Assistant Deputy Ministers	29	52	55%
Senior executives reporting directly to Deputy Ministers	16	32	50%
Other senior executives (Pay Bands 8 to 12)	103	227	45%

That was six years ago, and the trend has been on a path of steady increase in bilingual positions. Based on the numbers we presented earlier pertaining to the percentage of Anglophones with “intermediate plus” proficiency in French over the past 40 years (approximately 5%), Anglophones are underrepresented in the public service.

A response received from the government to our Right to Information request (RTI 087) provided further documentation demonstrating the low participation by Anglophones in the public service.

RTI 087 is several hundred pages in length so only a few typical pages have been included in Appendix A and B. at the back of this document.

RTI 087 states:

- “The vast majority of employees in Miramichi are Francophone. As a result, they were never tested. The current policy for these employees is to have them tested in English.”²⁷ (In reference to Horizon Health Authority)
- “Similar to the Miramichi, the vast majority of employees in Moncton are Francophone”. As a result, they seemed to have never been tested.”²⁸ (In reference to Horizon Health Authority)
- At the provincial level, bilinguals also represent a significant share of all government employees. In particular, 50.6 per cent of workers in public administration in New Brunswick were bilingual in 2016²⁹.

In reality, there is no need to justify a “fair participation” clause. It stands on its own.
It will protect both official linguistic communities.

²⁷ Appendix A - Right To Information Request RTI 087

²⁸ Appendix A - Right To Information Request RTI 087

²⁹ https://acufc.ca/wp-content/uploads/2019/05/ReportConferenceBoard_BilingualismQC-EN, English-French Bilingualism Outside Québec

Toward a Fair Bilingualism

The following sections are critical to a fair Official Languages Act:

A Fair Participation Guarantee

Over the past 40 plus years, an imbalance has developed in the rate of participation of our two linguistic communities in the province's public service. It must be noted that the public service is much more than it once was. Today, the public service includes all "third party" companies that are contracted to the government which means that these private companies are now subject to the official languages act. This means that another legislated demand point for fluency in French has been created.

The evidence has shown that the Anglophone community is not capable of meeting this ever-increasing language stipulation and so the Anglophone presence in the public service just continues to diminish. What is the mechanism to ensure Anglophone proportional participation and employment in the public service? The answer to that question is, currently, there is no mechanism, no means to ensure fair participation.

The mechanism required is a commitment through legislation that Anglophones and Francophones guaranteed fair and reasonable participation. If for the sake of argument, it was found that only 8% of the employees of the public service were Francophone, it would be reasonable for the Francophone community (32% of the general population) to expect more. The same concern about participation is shared by the Anglophone community.

So, lets avoid participation imbalance by implementing a law and the mechanism to ensure that neither community is underrepresented. The means to accomplish this is a transparent yearly disclosure of the percentage of employees with English as their primary language. It should be noted here that the government already compiles this information. Reference Appendix B where the government identifies its employees by "primary language" and so it is simply a process of tabulating the figures.

The single most important action that the government can take to create peace and fairness regarding bilingualism is to amend the official languages act to include a "fair participation guarantee" and the mechanism to achieve it.

The Team Approach

The original intent of the official languages act was to ensure that Anglophones and Francophones could receive service at government institutions in their own language. The government has acknowledged that not all civil servants need to be bilingual to accomplish this.

In 2015, then MLA Donald Arseneault, the minister responsible for official languages, said:

“senior civil servants take a team approach, making bilingualism for all positions unnecessary.”³⁰

The New Brunswick government human resources department states in “question and answer” format, the following about the team approach:

“How does this work? Do all government employees have to be bilingual?”

No. We are using a team approach to provide quality services in both official languages to the public and other government department and agencies. Employees work in functional teams so that the services each team offers can be provided in either language, as needed.”³¹

Government language of service policy states linguistic profiles should be developed and maintained based on the integrated team approach in use since 1990.

As per this policy, government departments arrange their workforce into teams. The management of each department establishes how many bilingual employees, they need to provide service to the public. By using the team approach not all employees need be bilingual to service a Francophone minority of 32%. The “team approach” has been in use in New Brunswick for a long time. It is time that it be placed in the Official Languages Act.

³⁰ <https://www.cbc.ca/amp/1.3117111> CBC News

³¹

https://www2.gnb.ca/content/gnb/en/departments/finance/human_resources/content/policies_and_guidelines/talk_language_service.html

The Language Commissioners report of 2014-2015 states:

Official bilingualism has never meant that every government employee must speak both languages. On the contrary, according to the most recent government data, only 41% of government department and agency employees (Part I of the public service) must be bilingual. |

As the language commissioner stated: it was never meant that every government employee must speak both languages. The team approach process was developed to give truth to that statement.

Remember Premier Robichaud's statement:

"With respect to the civil service the fact that a man or a woman is unilingual will not be a hindrance to the appointment and promotion in the civil service while other qualifications being equal."

The team approach has been lacking a clear criterion for establishing the number of bilingual employees needed to serve a 32% Francophone community. The Post Secondary Education department has designated 63% of its workforce bilingual. The Regional Development Corp has designated 73% of their positions as bilingual.

The team approach has been in use in New Brunswick by the government for a long time. It is time that this policy becomes law within the official languages act.

A Reasonable Language Proficiency Requirement

The dictates of language proficiency without taking into consideration the realities of our regional demographics, meaning limited exposure to the minority language both at home and in Anglophone communities is simply going to restrict a large segment of the Anglophone community from partaking in the job market. We know that we have a very low achievement rate in attainment and retention of French in high schools and worse from secondary education institutions.

The following is an interesting viewpoint put forward by Poirier - Bastarache in their 1982 report:

“The ultimate objective of the New Brunswick government should therefore be to ensure that within the next twenty-five years all its citizens entering the job market are "passively" bilingual. In fact, in order to function, passive bilingualism implies that, in a society made up of two linguistic groups, all members of one group should be able to at least understand the other group's language even if they cannot express themselves in that language.

Although this recommendation relates more directly to the concerns of Anglophones than those of Acadians, it is very clear that, indirectly, Acadians could profit very considerably from it. However, the suggestion constitutes primarily an answer to requests made by Anglophones in that it takes into account their wish that any bilingual policy begin with the teaching of the official language to all Canadian citizens right from their first years of schooling.

Many Anglophones still do not understand how it would be possible to bilingualize the provincial civil service without increasing considerably its bilingual personnel. Since, up until now, the majority of Anglophones saw no point in learning French or any other language besides English, many of them think that such a policy would unjustly benefit those who sensed the usefulness of a second language and would inevitably give rise to reverse discrimination against those who are unilingual, which most of them are”

Anglophones' request that students of the province be given good training in the other official language is ambiguous, since it is mitigated by numerous arguments based on the many difficulties encountered when efforts are made to bilingualize everyone. Also, instead of trying to make a privileged class of the population perfectly bilingual, we are recommending here that the attempt concentrate on making the overall student population of the province only partially bilingual”³²

³² Poirier Bastarache Report, P398

Remember, this idea of a “passive bilingualism” was brought forward by two very prominent Francophones. Their recommendation of passive bilingualism is a lower bar than that being forced upon us today. We have been advocating that a French proficiency level of intermediate B1 is adequate for entry to the public service but perhaps the Poirier and Bastarache suggestion of passive bilingualism is a better direction for us

The following is a definition of B1. language proficiency and the notable points are: **“can provide information and give explanations with some degree of accuracy”** and **“can give accurate instructions in a field of personal expertise.”**³³

- The student is able to satisfy routine social demands and limited requirements in school/work settings with a speaking vocabulary sufficient for simple conversation, with some paraphrasing.
- The student can:
 - ✓ provide information and give explanations with some degree of accuracy;
 - ✓ handle most common social situations, including introductions and casual conversations about events in school and community;
 - ✓ provide autobiographical information in some detail;
 - ✓ give directions from one place to another; and
 - ✓ give accurate instructions in a field of personal expertise.

Let us not forget that always, requirements of employment are enhanced on the job through experience. As an illustration, imagine a young plumber having a certificate of qualification and yet, it is understandable that he or she will become better through experience on the job. Is it unreasonable to expect the same in regard to language? The intermediate B1.1 is a reasonable language proficiency level.

For years, we had the usual 5 levels, ie, Novice, Basic, Intermediate, Advanced, Superior. The required level of proficiency was that third level (Level 3). Today, after eliminating the novice level, NB has boiled it down to the remaining 4 levels, the Intermediate level being now the Level 2, but the province insists on a 2+ as a requirement which is not reasonable.

³³ 2017-2018%20Assessment%20DEC%20Presentation.pdf

Accommodation

The final point with respect to lowering of the proficiency level is the Anglophone entitlement to accommodation. In establishing our present system of bilingualism there were several accommodations made for the Francophone community. One of those was the creation of dual education systems:

“Because of the provisions of the Education Act related to duality, the two linguistic sectors in the Department of Education and Early Childhood Development and the school districts, schools, and district education councils are exempt from the Official Languages Act. They operate solely in the official language in which they are organized and are not required to work or offer services in the other official language.”³⁴

The establishment of dual education systems was an accommodation to the Francophone community and so it should not be seen as unreasonable to accommodate Anglophones with a lower French language proficiency level.

An intermediate B1.1 language proficiency level is a reasonable target where fluency in both French and English is required.

³⁴ www2.gnb.ca/content/dam/gnb/Departments/iga-aig/pdf/PlanonOfficialLanguages

Additional Concerns

Immigration

The Francophone community has concern about their ratio within the province's overall population. The Francophone leadership wish to gain control of the immigration demographic and rate, in order to maintain the Francophone percentage of the province's general population, it is important to include controls to ensure that such a program does not end up creating disproportion for Anglophones. Transparency through annual reporting of the ratio of English speaking to French speaking immigrants arriving must be maintained and made public.

Language of Work

The "language of work" policy is a goal of the leadership of the Francophone community. Its intent is that in all workplaces under the direction of the official languages act, each employee is entitled to work in their own language when interacting with fellow employees. Implementation of the "language of work" policy creates a workplace that requires 100% of employees to be bilingual. Katherine d'Entremont, former language commissioner clarified the meaning of language of work in her report of 2014-2015:

"Employees can choose the official language in which they wish to work and be supervised. In practice, they can exercise that choice only if the work environment actively supports the use of both official official languages³⁵.

And so, where does that leave unilingual employees? The answer, of course is (as d'Entremont implied) unilingualism and the practice of free choice of work language are not compatible. We know that much of the public service still contains over 30% Anglophones, most of whom are not functionally bilingual. Should the Higgs government choose to place the language of work policy in the official languages act, those unilingual employees will have two choices, successfully test to a prescribed proficiency in French or be phased out.

With its focus on bilingualism, New Brunswick already limits the talent pool from which to draw in filling jobs. English Canada in Ontario and westward are off the board.

³⁵ N.B. Language Commissioner's Report 2014-2015

A recent court case and ruling provides a look at how the language of work will proceed if codified into the official languages act. The court case was initiated by Alexandre Dionne who was employed by the federal government in Montreal. His job required him to interact with English speaking employees in Toronto. He raised a complaint with the official language commissioner of Canada, Raymond Theberge stating that he was unable to speak French in his job when communicating with the employees in Toronto.

Commissioner Theberge agreed that his complaint was credible and must be addressed. The federal government added 11 bilingual positions in the Toronto office to alleviate this problem. However, the complaint went to court where judge Rivoalen agreed that his rights had been violated, stating a federal institution is violating the rights of its employees to work in French if it forces them to communicate everyday with Anglophone specialists located elsewhere in the country.

This is the link to the ruling:

<https://www.google.ca/amp/s/new.in-24.com/News/amp/132564>

Incorporation of the language of work policy into the New Brunswick official languages act will set up a parallel situation to that of this court case, where the government will be susceptible to similar lawsuits if employees cannot speak their language of choice when interacting with co-workers and management. For Francophones it would create more opportunities for them in the public service.

If this policy becomes law, it will likely be a turning point for the Anglophone community leading to less opportunity and participation.

Court Challenges Program

Politics and power have created a discriminatory situation within Canada and New Brunswick with respect to redress before the courts. The Federal government provides funding to Francophones in New Brunswick and Anglophones in Quebec to enable these two minorities to access redress in the courts with respect to language laws. Although language laws can negatively affect Anglophones in New Brunswick, they are not eligible for such funding even though they are taxpayers as well.

The provincial government should represent all New Brunswickers and work to end this discrimination against the Anglophone community either by negotiating a commitment with the federal government to fund Anglophone challenges or provide a provincial program for Anglophones to counterbalance the advantage that the Francophone community enjoys with respect to such funding.

The Language Commissioner Position

The language commissioner's position has two significant weaknesses. First, it has an unavoidable appearance of favoritism and secondly, it has no mandate to ensure fair participation by both official language communities in all parts of the public service.

To avoid the appearance of favoritism, the Languages Commissioner's position must be shared by two people, one from the Anglophone community to address Anglophone issues and one from the Francophone community to address Francophone issues. (co-chairs if you will). Much like the judicial system, where the process of law must not only be fair but must appear to be fair, so it should be in the commissioner's role. This balancing of responsibilities will also allow members of the public to feel more comfortable in coming forward with issues. We believe this balanced approach will foster better resolution of issues and better relations between the two linguistic communities. Present budgets can be shared, between Anglophone and Francophone both in salary and operation cost as it relates to the Language Commissioner's existing budget.

The languages act must be amended to include in the Commissioner's mandate, the responsibility to promote and audit the public service to ensure a balance of fair participation between the two official linguistic communities is achieved and maintained. Given that the Commissioner's role is founded in the origins of the Official Languages Act itself, that no one will be disadvantaged by language, the Languages Commissioner must work toward fair participation rates for both Francophones and Anglophones in the public service so that the public service reflects the society it serves. A guarantee in the spirit of the Official Language Act's designer, the honorable Louis J Robichaud.

In addition to this, the name "Official Languages Commissioner" must be changed to "Official Languages and Participation Commissioner" so as to be in line with the new mandate.

A Social Impact Study

There is a definite need for a third-party impact study on the affect of any changes to the official languages act proposed or agreed to by government before a final vote in the legislature. The impact study must analyse the affect of the new proposed official languages act on the Anglophone and Francophone communities and other communities in our society.

In the past, amendments were made to the official languages act with very little concern for what the changes would mean to the Anglophone community. It is important to understand that an impact study on the proposed government changes is much different than the consultation process that is taking place this year.

The consultation process is carried out with no indication from government as to the direction that they are planning on taking. An impact study would analyze what the government is proposing, some of which may not have been covered during the consultation process.

Recommendations in Summary

Recommendations

In order that we can build a province where Francophones and Anglophones can both benefit from the implementation of the official languages act, the following must be included in the Act:

- 1. A “fair participation guarantee” clause** in the act that shall ensure fair proportional participation by both Francophones and Anglophones in all levels of government institutions and agencies governed by the official languages act including fair participation in the management as well. Participation in those institutions shall be in proportion to our ratio in the general population of the province as Poirier and Bastarache had outlined.
- 2.** A commitment to tabulate and publish annually, the number of employees working under the direction of the official languages act with English as their first language spoken (mother tongue), in all government departments and levels, both in the province as a whole and within the counties.
- 3.** Define the actions being taken to create a fair participation balance in the action plan on official languages.
- 4.** The “Team Approach” process must become a binding regulation within the official languages act.
- 5.** The act must specify “intermediate” as the required second language proficiency level for entry to a bilingual designated positions in the public service. Accommodation must be made in terms of employer provided language training.
- 6.** The Language Commissioner’s position in the official languages act must be amended to direct the following:
 - a. The name "Official Languages Commissioner" must be changed to "Official Languages and Participation Commissioner" to be in line with the new mandate.
 - b. There be an Anglophone Commissioner and a Francophone Commissioner position established
 - c. The Commissioners be given responsibility in their official mandate to promote and audit the public service to ensure a balance of fair participation between the two official linguistic communities is achieved and maintained.

Conclusion

In the upcoming months, the Premier and the government face important decisions with respect to amending the Official Languages Act. If in the end, the changes to the official languages act fail to address the concerns of the Anglophone community, the consequences will be substantial and long lasting. A continuation of the present implementation or an increase in the scope and the affect of these laws without address of the negative affects of such laws and policies on the Anglophone community will only increase the tension between our two linguistic communities.

By including a “**fair participation**” clause and the relative tools to ensure its success in the official languages act, the government can turn the page on our history of tension over the application of bilingualism. By rejecting the placement of such a clause in the Act, any group, political party, or government that does so, will be sending a clear message of disrespect for the Anglophone community.

The “team approach” process must be included in the official languages act. The official languages plan must have a clear criterion established to create the balance in the public service so that unilingual Anglophones and Francophones can be assured of a place in the public service while at the same time bilingual service to the public will be maintained. A reasonable language “proficiency level of “intermediate” is required to be established and specified within the Act which would open the door to a greater talent pool and place more emphasis on workplace language training.

The Official Languages Act in some ways has been seen as a social contract for the people of N.B. and it must not be a social contract where the rules of engagement are changed while knowing it is creating hardship or disadvantage for one group over another. That is unacceptable. Francophones nor Anglophones should want that.

It is important that the official languages act creates fairness in the administration of the language laws and policies of our province. There is now, a great opportunity to resolve the tension between the two official linguistic communities that is often referred to in the media, to create a circumstance where Anglophones and Francophones can exist peacefully and thrive.

APPENDIX A

The following emails were obtained through Right to Information Request RTI 087 pertaining to Horizon Health. The emails were received highlighted as you see them.

The emails state:

The vast majority of the employees in Miramichi and Moncton are Francophone.

Comments

The vast majority of employees in Miramichi are Francophone. As a result, they were never tested. The current policy for these employees is to have them tested in English. As you will see in your profile above, a Francophone employee will have to be tested in English, not only for Oral Proficiency (at 2.5) but for Reading (at 3) and Writing (at 3) as well.

I know you reached out to me about the fact that your employees that are Francophone do not write reports for anybody but yourself. For now, HR is saying to have them tested for all 3 categories. However, I did my director about this dilemma and she told me that the policy as of yet is being reviewed. Hopefully, you will be given a bit of discretion in regards to the writing evaluation. As you have mentioned to me, these employees do not write reports externally, they only write solely for yourself. I will bring this up during the conversations on the testing with my team and HR.

I really appreciate your efficiency on this. You are doing a great job.

Please do not hesitate to contact me if you have any questions
Rene

Comments

Similar to Miramichi, the vast majority of employees in Moncton are Francophone. As a result, they seemed to have never been tested. The current policy for these employees is to have them tested in English. As you will see in your profile above, a Francophone employee will have to be tested in English, not only for Oral Proficiency (at 2.5) but for Reading (at 3) and Writing (at 3) as well.

I know you reached out to me about the fact that your employees that are Francophone do not write reports for anybody but yourself. For now, HR is saying to have them tested for all 3 categories. However, I did my director about this dilemma and she told me that the policy as of yet is being reviewed. Hopefully, you will be given a bit of discretion in regards to the writing evaluation. As you have mentioned to me, these employees do not write reports externally, they only write solely for yourself. I will bring this up during the conversations on the testing with my team and HR.

I really appreciate your efficiency on this. You are doing a great job.

Please do not hesitate to contact me if you have any questions
Rene

Appendix B

The government tracking of employee primary language

Position filled according to linguistic need (DO NOT FILL)	Position Number (PCN)	Type of position (Classification)	Schedule for this position	Position interacts with the public?	Type of interaction with the public	Linguistic Profile Template			Name of the Employee	Primary Language
						Required Linguistic Proficiency				
						Oral	Reading	Writing		
21(2)e		21(2)e	Part Time	Yes	In person				21(2)e	English
			Full Time	Yes	In person					English
			Part Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English
			Full Time	Yes	In person					English

Quality Assurance

References

Tools
 Horizon's Official Languages Policy
 Translation Request Form

[Official Languages procedures and standards toolkit \(V2\)](#)
[Official Languages](#)
[Translation Request Form](#)

Position filled according to linguistic need (DO NOT FILL)	Position Number (PCN)	Type of position (Classification)	Schedule for this position	Position interacts with the public?	Type of interaction with the public	Linguistic Profile Template			Name of the Employee	Primary Language	Employee Number	Employee tested for linguistic proficiency in second language?	Language Testing Results			Linguistic test expiration date
						Required Linguistic Proficiency										
						Oral	Reading	Writing								
Pending	21(2)e		0.6	Yes	Telephone	2.5	0	0	DECH				0	0	0	
Pending			0	Yes	Telephone	2.5	0	0					0	0	0	
Pending			0.6	Yes	Telephone	2.5	0	0					0	0	0	Expired 02/05/2020
Pending			0.6	Yes	Telephone	2.5	3	3		French			2.5	0	0	
Pending			0.58	Yes	Telephone	2.5	0	0					0	0	0	Expired
Pending			1	Yes	Telephone	2.5	0	0					0	0	0	
Pending			1	Yes	Telephone	2.5	0	0					0	0	0	
Pending			1	Yes	Telephone	2.5	0	0					0	0	0	
Pending			1	Yes	Telephone	2.5	0	0					0	0	0	
Pending			0.58	Yes	Telephone	2.5	0	0					0	0	0	
Pending			1	Yes	Telephone	2.5	3	3		French			0	0	0	
Pending			1	Yes	Telephone	2.5	0	0					0	0	0	
Pending			1	Yes	Telephone	2.5	0	0					0	0	0	
Pending			1	Yes	Telephone	2.5	0	0					0	0	0	
OK			1	Yes	Telephone	2.5	0	0					4	0	0	16/03/2019
Pending			0	Yes	Telephone	2.5	3	3		French			0	0	0	

Comments

The Fredericton profile has similar indicators to the Saint John profile. Their are pending employees, due to the fact that those employees' Language Proficiency Result have expired. As I mentioned previously, Official Languages and HR are working to facilitate this process for you. Until such a time, do not worry about "pending" as a result of being expired. Some of these employees' mother tongue is French. As a result, they were never tested. The current policy for these employees is to have them tested in English. As you will see in your profile above, a Francophone employee will have to be tested, not only for Oral Proficiency (at 2.5) but for Reading (at 3) and Writing (at 3) as well.

I know you reached out to me about the fact that your employees that are Francophone do not write reports for anybody but yourself. For now, HR is saying to have them tested for all 3 categories. However, I did speak to my director about this dilemma and she told me that the policy as of yet is being reviewed. Hopefully, you will be given a bit of discretion in regards to the writing evaluation. As you have mentioned to me, these employees do not write reports externally, they only write solely for yourself. I will bring this up during the conversations on the testing with my team and HR.

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Please do not hesitate to contact me if you have any questions
 Rene



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