

Official Languages Act Policy (IENB Application)		Inspection and Enforcement New Brunswick	1.3.7
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1. Purpose of Policy

To ensure members of the public are able to access services in the official language of their choice. To assist and guide employees of Inspection and Enforcement New Brunswick in meeting their legal obligations under the ***Official Languages Act of New Brunswick (2002)***.

2. Definitions for the Purpose of this Policy

Active Offer of Service means informing the public, at the first point of contact that services are available in both official languages.

Communication/ Communicate any form of communication whether spoken, written or electronic.

Institution an institution of the Legislative Assembly or the Government of New Brunswick, the courts, any board, commission or council, or other body or office, established to perform a governmental function by or pursuant to an Act of the Legislature or by or under the authority of the Lieutenant-Governor in Council, a department of the Government of New Brunswick, a Crown corporation established by or pursuant to an Act of the Legislature or any other body that is specified by an Act of the Legislature to be an agent of His Majesty in right of the Province or to be subject to the direction of the Lieutenant-Governor in Council or a minister of the Crown.

Official Languages means the official languages of New Brunswick within the meaning of subsection 16(2) of the ***Canadian Charter of Rights and Freedoms***.

Peace Officer a peace officer as defined under Section 1 of the Provincial Offences Procedure Act who serves the public, whether on behalf of the Province, a municipality or under a contract for the delivery of policing services with the Province or its institutions and includes a police officer as defined under that Act.

Public includes any person or group of persons, any association, profit or non-profit organization, municipal body, or organization, provincial or federal institution, any non- governmental organization.

3. Language of Service

- A. It is Inspection and Enforcement New Brunswick policy to actively offer and provide services in both official languages.
- B. All services intended for public consumption, including documents, internet postings and other materials must be available in both official languages.

- C. Service to the public should be interpreted to include, but not be limited to:
 - i. oral communication;
 - ii. correspondence;
 - iii. electronic service delivery method (e-mail, internet, voice-mail);
 - iv. public forms and documents;
 - v. information material; and
 - vi. signage.
- D. The use of bilingual signs and of two-language greetings on the telephone and in person are important elements of the active offer.
- E. When communicating with the general public, peace officers and employees will promptly inform the individual of their right to receive services in their official language of choice.
- F. Where a peace officer or employee does not have the knowledge of the other official language, an “active offer” must still be made in order that the individual is informed that a communication link will be provided as soon as possible.

4. Authority

- A. The **Official Languages Act** and the **Constitution Act (1982)** with its *Charter of Rights and Freedom*, provide that English and French are the official languages of New Brunswick and have equality of status as well as equal rights and privileges as to their use in all institutions of the Legislature and Government of New Brunswick.
- B. The *Official Languages Act* takes precedence over all Acts except for any other legislative measure designed to advance the equality of use and status of English and French in New Brunswick.
- C. The Act guarantees that members of the public can exercise their right to communicate with (orally, in writing or electronically) and receive available services from provincial institutions in the official language of their choice.
- D. It is incumbent upon the institution to ensure, through this active offer of services, that members of the public are promptly advised of their rights to exercise that choice and that no person is placed at a disadvantage for having exercised that choice.
- E. The following provisions within the *Official Languages Act* apply specifically to Inspection and Enforcement New Brunswick and their employees.

- F. **Section 31(1)** - Members of the public have the right, when communicating with a peace officer, to receive service in the official language of their choice and must be informed of that right.
- G. **Section 31(2)** - If a peace officer is unable to provide service in the language chosen under subsection (1), the peace officer shall take whatever measures are necessary, within a reasonable time, to ensure compliance with the choice made under subsection (1).
- H. **Section 31(3)** - A police force or agency, as the case may be, shall ensure the availability of the means necessary to respond to the choice made by a member of the public under subsection (1) and to support the obligation placed on a peace officer under subsection (2).
- I. **Section 32 - Section 31** does not limit the obligations placed on peace officers under any other Act or Law to deliver services to the public in both official languages.
- J. **New Brunswick Court of Appeal** – Where an individual is totally bilingual, if charges are laid and the individual is not informed that they have the right to be served in the official language of choice, it will be deemed that their rights under s. 31(1) of the *Official Languages Act* were violated. (Appeal from a decision of the Court of Queen’s Bench {2006 NBQG 216} (Court of Appeal of NB; judgement rendered 02/22/07 {R v. McGraw, 2007 NBCA 11}).

5. Language of Service

A. Model Linguistic Card

- i. It is recommended that in light of the {R v. McGraw, 2007 NBCA 11} decision, and to ensure continued compliance with the requirements of the New Brunswick Official Languages Act, that peace officers, when greeting citizens being served, use the following wording to initiate the active offer of service in either official language:

**Hello, Bonjour, It’s your right to be served in English or French -
C’est votre droit d’être servi en français ou anglais, What is your
choice? Quel est votre choix?**

If you are unable to provide service in the language requested, please
state:

Si vous n’êtes pas en mesure de fournir un service dans la langue
demandée, veuillez dire ce qui suit :

One moment please. Un instant s'il vous plaît.

- ii. Record in your notes, report and crown summary, all efforts made to initiate, communicate, or arrange communication in the language of choice.
- iii. An Officer may provide the below standard wording to assist in providing an “active offer” for services in either official language.

Je suis (agent de la paix ou membre du personnel) et je respecte votre droit de vous faire servir en français ou en anglais. Je ne suis pas en mesure de vous servir dans la langue que vous avez choisie, mais je vais communiquer avec une autre personne capable de faire la traduction de notre conversation. Nous allons répondre à votre choix de la façon la plus rapide et pratique possible.

I am (peace officer or staff member) and I respect your right to be served in French or in English. I am not able to serve you in the language you have chosen but will communicate with another person who can translate our conversation. We will answer your choice as quickly and conveniently as possible.

- iv. Officers who do not have the knowledge of the other official language may refer to the card to inform the person that they are dealing with that a communication link will be provided as soon as possible.
- v. Further, please note that the "active offer" is a requirement when commencing any contact with a member of the public.

B. Pocket Translator Card

- i. The ‘Pocket Translator’ includes common expressions in English and French that will assist officers and employees to inform the person being dealt with of their right for service in either official language. See Appendix “A”.

6. Services to the General Public in Both Official Languages

A. Active Offer By Telephone

- i. With telephone reception, the active offer of service in both official languages means using a two-language greeting, followed by the provision of service in the person's language of choice.

Examples of a two-language telephone greeting:

Inspection and Enforcement New Brunswick, Bonjour!
Inspection et application de la loi du Nouveau Brunswick, Good Morning!

- ii. The order of the two languages used in the telephone greeting is not important.
- iii. The active offer is considered to have been made when the greeting includes both languages, regardless of the order in which they appear.
- iv. Once the caller has indicated the language of choice, the employee can either assist the caller by responding to the request or transfer the call to an appropriate person.
- v. If the officer or employee is unable to understand the caller's request, the officer or employee should say "Un moment, s'il vous plaît" or "One moment please", depending on the language used by the caller and transfer the call immediately to someone who can communicate with the caller in the language of the caller's choice.
- vi. To ensure the active offer of service in both official languages, all employees who provide service in both official languages and who have voice mail should have a bilingual voice mail message.
- vii. Employees who do not provide service in both languages must provide instruction at the end of their message in the other language on how to obtain service in this language (e.g. "Pour service en français, composez le 0").
- viii. Continue the conversation in the official language chosen by the caller.
- ix. If unable to do so, use the sample linguistic card provided to inform the caller that you are referring him/her to someone capable of providing the service.
- x. Have a list of bilingual Inspection and Enforcement New Brunswick employees available and inform your colleague of the language used by your caller.

- xi. Other appropriate sources of assistance such as; fellow Justice and Public Safety employees with bilingual capabilities or utilizing a professional translation network through a telephone or radio communication link, etc.; may also be considered.

B. Active Offer In Person

- i. Always greet members of the public in both official languages.
- ii. Extending the active offer in person also requires a two-language greeting.
- iii. Once the active offer is extended, service must be provided in the person's official language of choice. Continue the conversation in the official language chosen by the person.
- iv. It is recommended that in light of this decision and to ensure continued compliance with the requirements of the **New Brunswick Official Languages Act** that peace officers, when greeting citizens being served use the previous mentioned **Model Linguistic Card** to initiate the active offer of service in either official language:
- v. Record in your notes, report and crown summary, all efforts made to initiate, communicate, or arrange communication in the language of choice.
- vi. Similar to the active offer on the telephone, the order in which the two languages appear is not important.
- vii. If an Officer or employee extending the offer of service is unable to serve the person in the language chosen and depending on the language used by the person, he/she should say,
 - a. Un moment, s'il vous plaît" or "One moment please".
- viii. Request that an officer or employee with the required language skills deals with the individual.
- ix. Officers or employees should not proceed to deal with the person in the language not chosen by that person.
- x. Where an Officer or employee does not have the knowledge of the other official language, an "active offer" must still be made. The model linguistic card may also be

referenced to assist in informing the person that you are going to make someone available to provide the service.

- xii. It is important to note that the language of choice refers to the person's language of choice and not the officer's or employee's language of choice.

C. Active Offer Through Signage - Visual Aspect

- i. The presence of bilingual signs is an important visual element indicating that services are available in both official languages.
- ii. Offices should prominently display signs indicating the availability of service in both English and French.
- iii. Ensure signage is clearly visible to the public at any offices where the public is likely to enter in order to receive services in their language of choice.
- iv. Signage should conform to the Visual Identity Standards of the Province of New Brunswick, available from Communications New Brunswick.

D. Active Offer Through Correspondence

- i. When responding to correspondence initiated from outside Inspection and Enforcement New Brunswick, the response should be prepared in the language in which the letter was written. The only exception would be if the writer specifically requests otherwise.
- ii. With correspondence as with all other forms of documentation, equal importance should be given to the two official languages.

7. Detained or Arrested Persons

A. Initial Contact

- i. Officers are to establish the official language of choice of an alleged offender at initial contact.
- ii. Services shall be provided to an alleged offender in their official language of choice or appropriate measures taken pursuant to subsection 31(2) of the **Official Languages Act** to ensure compliance with the choice made.

B. Court Documents and Proceedings

- i. The **Official Languages Act** provides that a person accused of an offence under an Act or Regulation of the Province of New Brunswick, or a municipal by-law, has the right to have the proceedings conducted in the official language of their choice, and shall be advised of that right by the presiding judge before their plea is taken.
- ii. Arresting officers are to determine the official language of choice in which the alleged offender desires all court documentation and trial, if applicable.
- iii. The accused is to be informed of their right to have proceedings conducted in their language of choice in the following manner:

<p>You have the right to have proceedings conducted in the official language of your choice. Do you understand? In which official language (English or French) do you wish to receive court documentation or have your Trial (if applicable) conducted?</p>
<p>Vous avez le droit que les procédures se déroulent dans la langue officielle de votre choix. Avez-vous compris? Dans quelle langue officielle (le français ou l'anglais) désirez-vous que soient rédigés les documents du tribunal et que se tienne votre procès (s'il y a lieu)?</p>

- iv. Indicate the accused's language choice for court proceedings by either:
 - a. checking the appropriate area of the document issued (i.e. P.O.P.A. ticket) or prepare an information in the language of choice.
 - b. writing on the initial court document issued to the offender, as in the case of an appearance notice.

Note: To clarify the purpose of the "chosen language" box on a POPA ticket, the box is to be used to record, for the notification of court officials, the language in which they wish to receive any documentation and the preferred language of any potential trial.

- v. Ensure the accused's language of choice is brought to the attention of both the court officer and the crown prosecutor, in order that all subsequent court documentation issued will be in the appropriate language of choice of the accused.

8. Related Documentation

- A. *Canadian Charter of Rights and Freedoms*
- B. *Criminal Code*
- C. *Official Languages Act*
- D. *Provincial Offences Procedure Act*
- E. *Provincial Offences Procedure For Young Persons Act*
- F. *Operational Manual, 2.2 - Constitution Act - Canadian Charter of Rights and Freedoms*
- G. *New Brunswick Policing Standards, Chapter 2.4*

Appendix "A"

POCKET TRANSLATOR

ENGLISH	FRENCH
1. Good morning – afternoon / Good evening.	= Bonjour, = (bonjoor) = Bonsoir, = (bonswar)
2. One moment please.	= Un moment s'il vous plaît, = (uhn mowman seal voo play)
3. Would you like to be served in French?	= Voulez-vous être servi en français? = (voolay-vo zaytre servée on fronsay)
4. I don't understand French.	= Je ne comprends pas le français, = (je ne compran paw le fronsay)
5. I will call/get a bilingual officer to serve you.	= Je vais chercher un agent bilingue, = (je vay shair/shay uhn ajan beelang)
6. I will get someone bilingual to call you back. Please give me your name and phone number.	= Je vais demander à un agent bilingue de vous rappeler. Donnez-moi votre nom et votre numéro de téléphone, = (je vay demonday a uhn ajan beelang duh voo rappelay, Donnay mwa votre no ay votre newmayrow duh taytayfun)
7. Please have a seat.	= Asseyez-vous, = OR = Assoyez-vous, = (assayay voo) (asswoyay voo)
8. A bilingual officer will be here in a moment.	= Un agent bilingue sera ici dans un moment, = (uhn ajan beelang sera eessee don zuhn mowman)
9. Please follow me.	= Suivez-moi s'il vous plaît, = (sweevay-mwa seal voo play)
10. Thank you.	= Merci, = (mare-see)
11. You're welcome.	= Je vous en prie, = OR = De rien, = (je voo zan pree) (duh reean)



TRADUCTEUR DE POCHE

FRANÇAIS	ANGLAIS
1. Bonjour.	"Good morning – afternoon." (goude mornigne – alteurnoune)
Bonsoir.	"Good evening." (goude ivnigne)
2. Un moment s'il vous plaît.	"One moment please." (wone mômeunte plize)
3. Voulez-vous être servi en anglais?	"Would you like to be served in English?" (woud iou laique tou bi seurv'd ine english)
4. Je ne comprends pas l'anglais.	"I don't understand English." (ail donte onedeurstande english)
5. Je vais chercher un agent bilingue.	"I will get a bilingual officer." (ail wi guette é bail-lignegoual offisseur)
6. Je vais demander à un agent bilingue de vous rappeler. Donnez-moi votre nom et votre numéro de téléphone.	"I will get someone bilingual to call you back. Please give me your name and phone number." (ail wi guette somme-ouone bail-lignegoual tou colle iou bac. Plize guive mi ioure naimé anne fond number)
7. Asseyez-vous. OU Assoyez-vous.	"Please have a seat." (plize have é site)
8. Un agent bilingue sera ici dans un moment.	"A bilingual officer will be here in a moment." (é bail-lignegoual offisseur wil be hire ine é mômeunte)
9. Suivez-moi s'il vous plaît.	"Please follow me." (plize folleau mi)
10. Merci.	"Thank you." (tank iou)
11. Je vous en prie. OU De rien.	"You're welcome." (ioure ouelcomme)

