

# THE PROGRESSIVE CONSERVATIVE PARTY

Those who seek to bring an end to bilingualism within New Brunswick fail to grasp that which is the very essence of this province. If the *Official Languages of New Brunswick Act* were stricken from the provincial statute books tomorrow, the reality of the province would remain unchanged. Ours is a bilingual society, bilingual in the sense that we have two distinct linguistic communities living within New Brunswick, one speaking English and the other French. The group which is in the minority constitutes over thirty percent of the population as a whole, and for that reason it must be embraced by the majority, as it cannot be suppressed by it. Its significance as a vital part of the fabric of New Brunswick cannot be dismissed, and it most certainly cannot be legislated out of existence. The history of our province is that of two founding cultures, not one. That fact represents both our heritage and our future. Collectively, we as New Brunswickers should celebrate the diversity which that reality brings and not attempt to deny it.

As a starting point for this discussion, let us deal briefly with the suggestion put forward by certain individuals and groups within our Province, that the *Official Languages of New Brunswick Act* be repealed. One cannot deny that such an action would clearly be within the jurisdiction of the provincial legislature, and thus it is a possibility, albeit a futile one. What would be the effect of such a move? Would it bring an end of "official bilingualism" in New Brunswick? Anyone with an understanding of constitutional law within Canada would immediately respond that the answer to that question is framed in the negative. Section 16(2) of the *Canadian Charter of Rights and Freedoms* deals with the official languages of New Brunswick, and provides that "English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick." The sections which follow expand upon that same theme, and guarantee in part that "Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French." Thus, even in the absence of provincial legislation such as that currently in force in New Brunswick, the province is, in law as well as in fact, officially bilingual. While technically not impossible, the likelihood of the government of Canada agreeing to amend or repeal these specific provisions of the Constitution Act, 1982 would seem remote indeed. Therefore, if there is language discord within New Brunswick, the solution to bringing about some degree of harmony must be sought elsewhere.

Mention has already been made of the *Official Languages of New Brunswick Act*. This was the piece of legislation which, in 1969, made New Brunswick Canada's only officially bilingual province, a distinction which the province continues to enjoy. Predictably, this *Act* has become somewhat of a focal point for the ongoing debate over the merits, or lack thereof, of the use of English and French in the province. It is important that one clearly understand exactly what is provided for within the *Act*. Section 10 is perhaps the most important, for it guarantees the right of any New Brunswicker to obtain service in either official language

from the Province. A positive obligation is placed upon "every public officer or employee of the Province, any agency thereof or any Crown corporation" to "provide or make provision for" service in the language of the recipient's choice. Note the phrase "provide or make provision for" makes use of a disjunctive rather than a conjunctive form. If the framers of the act had simply said "shall provide," that would have necessitated that each member of the public service be bilingual, but in point of fact the act does not say that and for good reason. It is not necessary that each public servant have the ability to provide service in both English and French, but it is incumbent upon the public service as a whole to ensure that any given service is made available in both official languages. That distinction is of vital importance.

The attempts of successive provincial governments in New Brunswick to implement an official languages policy must be identified as the cause of much of the linguistic unrest which currently besets us. Many initiatives have been undertaken which have served to anger segments of the population and, in some cases, justifiably so. The challenge for those charged with the mandate to govern this province is to remain true to the spirit and intent of the *Official Languages of New Brunswick Act* while being neither unfair nor unjust. How is that to be achieved? As stated, it is not to be achieved through the creation of a completely bilingual public service. This would by definition eliminate a great many New Brunswickers from competition for positions within government, and that is wrong. Furthermore, it would make impossible career advancement for many of those already employed by the province. It is not to be achieved through an arbitrary manipulation of linguistic profiles at the departmental level within the public service, the result of which is a quota system concerned only with filling the proper number of boxes on a chart with employees having certain linguistic abilities. This too is wrong.

Admittedly, it is always far more easy to criticize than to offer constructive alternatives, but that does not exculpate those in the political arena from making every possible effort to put forward a positive language policy which will be acceptable in the eyes of all New Brunswickers. What is needed to bring some stability and reason into the bilingualism debate is far from complicated. What is needed is common sense, a seemingly elusive commodity judging by the present state of affairs in New Brunswick. Government must fulfill its legal obligations while being sensitive to the needs of those whom it serves. Therefore, it is time for government to pursue a regionally based approach to official languages, one which takes into account the realities of the communities in which services are delivered. For example, if a provincial government office is located in a town in which ninety-five percent of the population demand service in English, it is nonsensical to designate all of the positions within that office as bilingual. Those positions should be going to men and women from the community in question. All that government must do is ensure that if anyone enters that office and requests service in French, provision is made to accommodate them. That may mean that one out of ten positions is designated bilingual, or it may require accessing another member of the public service located elsewhere in the province with an ability in the other language. Whatever the approach, the service is pro-

vided in the language of choice. Naturally, the same scenario would hold true in reverse for a government office located in a town in which ninety-five percent of the population demand service in French. The focus of the government in the provision of services is to be on the community, and not upon an inflexible provincial policy which is imposed thereon.

The policy outlined above raises certain questions with regard to those within the public service who perform supervisory roles. How are those positions to be designated? If a public servant has a provincial supervisory responsibility which necessitates dealing with both English and French speaking employees in regional offices on a daily basis, one can justify designating that position as bilingual. It should be noted that the number of positions which would fall into such a category is quite small. The alternate of this is duality, *i.e.*, a system of separate bureaucracies within the public service, one for each linguistic community. This is wholly unacceptable for a variety of reasons, foremost of which is the fact that it lends itself to creating division, not fostering cooperation, between English and French. In purely economic terms, a province with the limited financial resources which New Brunswick has at its disposal cannot possibly support such a scheme.

At this moment in time, as New Brunswickers collectively embark upon the final decade of the twentieth century, government in this province is failing to provide the leadership needed to ease the tensions which exist between our two linguistic communities. Until such a time as a more imaginative, enlightened, sensitive approach to language policy is offered to the people of this province, those tensions will continue to mount. If they are not diffused with haste, we may be forced to contend with the consequences for many years to come, and that is hardly the legacy we should seek to leave to our next generation of leaders.