



Investigation Report

FILE NUMBER 23-24-018

INSTITUTION CONCERNED Department of Natural Resources and
Energy Development

SUBJECT Alleged deficiencies in the provision of
services in French

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**REPORT DISTRIBUTED TO THE
FOLLOWING PERSONS** Deputy Minister of Natural Resources
and Energy Development
Complainant
Premier
Clerk of the Executive Council
Executive Director of the Secretariat of
Official Languages

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Summary

This report was prepared following an investigation into a complaint against the Department of Natural Resources and Energy Development (the institution). More specifically, the complainant alleges deficiencies in the delivery of services in French with respect to registration for the Firearms Safety – classroom course offered by the institution throughout the province.

Upon conclusion of this investigation, the Office of the Commissioner of Official Languages established, for the reasons set out in this report, that the complaint was **founded** and that the institution failed to meet its linguistic obligations under the *Official Languages Act* of New Brunswick (OLA).

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

1. **THAT** the institution, within a reasonable period of time, make all of its suggested changes to its website to enhance transparency during registration for its training courses in both official languages, therefore avoiding any perception by members of the public that
 - 1) certain training courses are not offered in their preferred language, and
 - 2) access to these training courses is not equal for members of both official linguistic communities;
2. **THAT** the institution provide a timetable for implementing the steps it has suggested in its responses within 30 days following the issue of this investigation report and an update of all steps taken in the six months following the issue of this investigation report.

Complaint

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

On May 24, 2023, the complainant wanted to enrol in the Firearms Safety – classroom course. According to the complainant, registration takes place online. The complainant wanted to take the course in French but indicated that, after checking every office offering the course, all available courses appeared to be in English.

The complainant stated that *[translation]* “the government is obliged to offer this course in both official languages.”

On June 6, 2023, the complainant sent an email to the Office of the Commissioner with additional information about the complaint, stating as follows:

[Translation]

I just checked again, and there is now 1 French course available in Dieppe versus 7 English and 2 French courses in Campbellton versus 2 English. In addition to that, there are 18 other courses available in English throughout the province in primarily Anglophone areas but no other courses in French and no courses in primarily Francophone areas.

The complainant added, *[translation]* “I feel the Francophone population is unfairly underrepresented.”

Abbreviations and Terms Used

OCOL	Office of the Commissioner of Official Languages
Course	Firearms Safety – classroom training course
Institution	Department of Natural Resources and Energy Development
DNRED	Department of Natural Resources and Energy Development
OLA	<i>Official Languages Act</i> of New Brunswick

Investigation

Background to the notice of investigation

On January 25, 2018, the Office of the Commissioner of Official Languages (OCOL) issued an investigation report (file 2016-3116)¹ regarding a complaint against the Department of Energy and Resource Development, more specifically the Canadian Firearms Safety Course. That complaint is similar to the one in this report.

In that previous report, the OCOL established that the complaint was founded and that imposing compulsory training without providing equal access to members of both linguistic communities violated the constitutional principle of equality of the *Official Languages Act* of New Brunswick (OLA), which enables members of the public to receive services in the official language of their choice throughout the province.

The OCOL made the following recommendations following the investigation:

THAT *by June 30, 2018, the institution take steps to offer equal access to the Canadian Firearms Safety Course in both official languages, including offering a minimum number of courses in both official languages in all regions of the province, regardless of the number of participants;*

THAT *the institution confirm its commitment to this recommendation in writing by **February 26, 2018**.*

In a letter dated February 23, 2018, the institution responded to the above recommendations as follows:

[Translation]

We have read your report. The Department continues to attach great importance to the requirements of the Official Languages Act. In this regard, the Department shares your view that steps should be taken to improve the availability of the Firearm Safety / Hunter Education Course to members of both linguistic communities.

Finally, the Department agrees to implement new measures in compliance with the requirements under sections 27, 28 and 28.1 of the OLA by June 30, 2018, as recommended in your report.

Alternative resolution attempt

After the complaint was filed on May 24, 2023, the OCOL decided to proceed via its alternative complaint resolution process, pursuant to subsection 43(10.1) of the OLA. This

¹ Unpublished report.

provision simplifies the complaint process while allowing for the quick and effective resolution of the issue.

The OCOL issued an alternative resolution letter dated July 10, 2023, in which the OCOL informed the institution of the complaint. This letter invited the institution to communicate with the OCOL if it denied the allegations or required additional information. If the institution acknowledged that violations of the OLA had occurred, the OCOL asked that it confirm in writing the steps it had taken or would take to comply with the requirements of the OLA and avoid a recurrence of this type of incident.

To resolve the situation, the OCOL proposed as follows:

- Your institution has or will implement the recommendations made by the Office of the Commissioner in its report quoted above.
- In the spirit of the above recommendations of the Office of the Commissioner, your institution will make sure to “offer equal access” to all of its training courses, “regardless of the number of participants.”
- Your institution will provide the Office of the Commissioner with a complete list of the training courses it offers, including the Firearms Safety – classroom training course, and the language(s) in which each is offered.
- Your institution will inform the Office of the Commissioner of how it is ensuring equal service to both linguistic communities of New Brunswick in providing all of its training courses, including the firearms safety course.

Initial review of the file

In July and October 2023, two discussions took place over Teams between the institution’s employees and OCOL investigators. Before sending a written response, the institution’s employees wanted to communicate with the OCOL to clarify certain points of the alternative resolution letter, including equal access in both official languages, course availability and demand, the waiting list, travel to courses and the modernization and standardization of the institution’s website. A more detailed discussion of these issues is included in the Analysis section below.

On October 24, 2023, the institution’s acting deputy minister provided a response to the OCOL:

[Translation]

The department has completed an extensive review of the availability and number of offerings of French and English Conservation Education courses. The review shows that client demand in both official languages, in all locations across the province, apart from the most densely populated areas, has been met. The inability to meet demand in New Brunswick’s three major cities and surrounding areas is

due to limited resources which has had an impact on the availability of both French and English Conservation Education courses. Prior to receiving this complaint, a process improvement project was initiated focusing on improving the department's ability to meet demand for Conservation Education courses. This complaint has placed additional emphasis on the project and has highlighted its importance for both management and staff.

To better understand clients' needs, the department has taken immediate action to improve the Conservation Education program's electronic waiting list. The electronic waiting list is used to set course delivery targets and to notify clients of upcoming courses. At the time of the complaint, the electronic waiting list captured geographic information, but did not capture clients' language preferences. In response to this complaint, an additional field has been added, requesting clients identify their language preference or identify if they have no preference. This improvement is already in testing and the department intends to have changes implemented in the coming weeks.

In addition to striving to meet client demand and enhancing the electronic waiting list, the department also acknowledges the importance of increasing transparency regarding course offerings. This includes providing information on both past courses and those scheduled beyond the current enrollment period. Additionally, the department is evaluating how courses are offered to clients. The Canadian Firearms Safety Course is available as a standalone course however, it is primarily offered as "Part A" of a combined Firearms Safety / Hunter Education course. Clients are able to register for Part A, Part B, or for the combined course; however, not all clients are aware of this option and may be seeking Firearms Safety only, in their preferred language. Enhancing transparency in the registration options can make it more evident that services are available in both French and English.

I would like to reiterate that the department strives to ensure there is an active offer of service in both official languages and will take the necessary steps to avoid any violation of the Official Languages Act.

Investigation under subsection 43(13) of the OLA

After receiving the institution's response dated October 24, 2023, the OCOL decided to proceed with an investigation under subsection 43(13) of the *Official Languages Act* of New Brunswick (OLA), as the responses were incomplete.

In a notice of investigation dated January 17, 2023, addressed to the acting deputy minister at the time, the Commissioner stated as follows:

[Translation]

I am pleased to note that your institution has given serious consideration to the problem we brought to its attention and has analyzed its process so it may remedy

the situation and meet its obligations under the *Official Languages Act* of New Brunswick (OLA). I read your response carefully but find it to be insufficient.

In the notice of investigation, the institution was asked to inform the OCOL of its assessment of the facts concerning the allegations made by the complainant, provide any additional information that may be useful in this matter and answer a series of questions.

Response from the institution

On February 29, 2024, the institution sent its reply to the questions asked by the OCOL. Attached to the institution's response letter were the following documents:

- a) Appendix A – three maps of New Brunswick showing the total projected demand for the Canadian Firearms Safety Course and the demand in each official language
- b) Appendix B – a precise inventory of conservation training courses that have been offered since January 25, 2018²

Position of the institution

The institution's response to the notice of investigation does not include its assessment of the facts. However, in its initial response to the alternative resolution letter, it offered the following:

[Translation]

It is my understanding that this complaint stems from the availability of online registration for the Canadian Firearms Safety course. In the client's initial correspondence, they shared concerns that the course was only offered in English. The complainant conducted a subsequent review and at that time, both French and English course offerings were not available in each geographic location. As stated in your letter, this complaint is similar to file 2016-3116 and as such, the department is supportive of addressing this concern via the alternative complaint resolution process.

Overview of additional information

On June 6, 2024, the OCOL sent a letter informing the institution's Deputy Minister of new information that had been received during email exchanges between the OCOL and the institution's official languages coordinator. The issues addressed in these emails include bilingual courses, the Outdoors Card, clarifications regarding Appendix B and the reporting of statistics. It reads as follows:

[Translation]

Once again, we thank you for your continued cooperation in this matter and for your detailed answers to our questions. It is difficult for the Office of the

² These two appendices are internal documents of the institution and are not included in this report.

Commissioner to complete its investigations without the cooperation of institutions. We are grateful to you for that.

I must inform you that, in our analysis of the extensive data sent to the Office of the Commissioner by your department, we had to contact your official languages coordinator, [. . .]³, on several occasions to ask follow-up questions. To ensure transparency and keep you up to date on the steps we have taken, I am sending you an overview of the additional information we have added to the file to enhance the investigation report.

While the OCOL stated that the letter quoted above was intended to provide an overview of all the additional information gathered by the OCOL during the investigation, a deadline of June 20, 2024, was offered to the institution for any questions or comments in relation to the evidence or investigation. The OCOL received no further response from the institution.

³ The name of the official languages coordinator has been redacted for privacy reasons.

Analysis

Relevant provisions of the *Official Languages Act* of New Brunswick (OLA) in this matter are as follows:

COMMUNICATION WITH THE PUBLIC

Communications with government and its institutions

27 Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

Obligations of institutions

28 An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

28.1 An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

Posting of signs and publications intended for the public

29 Institutions shall publish all postings, publications and documents intended for the general public in both official languages.

COMMUNICATION AVEC LE PUBLIC

Communication avec le gouvernement et ses institutions

27 Le public a le droit de communiquer avec toute institution et d'en recevoir les services dans la langue officielle de son choix.

Obligation des institutions

28 Il incombe aux institutions de veiller à ce que le public puisse communiquer avec elles et en recevoir les services dans la langue officielle de son choix.

28.1 Il incombe aux institutions de veiller à ce que les mesures voulues soient prises pour informer le public que leurs services lui sont offerts dans la langue officielle de son choix.

Affichage et publication à l'intention du public

29 Tout affichage public et autres publications et communications destinés au grand public et émanant d'une institution sont publiés dans les deux langues officielles.

Questions asked by the OCOL and responses provided by the institution

The questions asked by the Office of the Commissioner of Official Languages (OCOL) in the notice of investigation address a number of issues, including compliance with the OLA, the delivery of services in both official languages, equal access in both official languages, registration for training courses, transparency regarding courses offered, an inventory of courses offered in the past and the waiting list for training courses.

This section examines the answers provided by the Department of Natural Resources and Energy Development (the institution) to the questions concerning these points. Through its analysis, the OCOL concluded that the complaint is **founded**.

The questions asked by the OCOL and responses provided by the institution are reproduced verbatim in their entirety in **Appendix 1**. However, as explained in the previous section, the additional documents provided by the institution are not reproduced in this report.

Compliance with the OLA

Active offer of service

The active offer of service in both official languages is at the heart of quality service from an institution. The active offer means that, on first contact, the institution informs members of the public that services are available in both English and French. It is therefore not up to citizens to ask for service in the official language of their choice; it is up to the institution to make the offer.

The term “active offer” is defined in the OLA as follows:

***28.1** An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.*

The aim of the active offer of service is to determine the preferred official language of members of the public, which, once established, must be respected.

In this complaint, the active offer of service is not at issue. The complainant was unable to register for a training course offered by the institution in French, their language of choice. However, according to the information shared with the OCOL, the complainant was able to navigate the website entirely in their language of choice. The institution confirmed the following:

[Translation]

Members of the public can access the DNRED website in the language of their choice (French or English). If the French website is selected, users can navigate entirely in French to find out how to register for a course in the language of their choice.

In addition, the institution informed us that “the department strives to ensure there is an active offer of service in both official languages and will take the necessary steps to avoid any violation of the *Official Languages Act*.”

Continuity of service in French

When members of the public express their choice of official language in response to the active offer of service, this language choice must be respected throughout their access to the service offered by the institution. In this case, the complainant was not accessing an in-person service

but an online service. As noted above, the complainant appears to have navigated the institution's website entirely in their language of choice, as suggested by the institution.

According to the complainant's allegations, the language preference was not respected by the institution when the complainant tried to register for a training course, as the course was not offered in French in the complainant's region or elsewhere in the province at that time. The complainant stated, *[translation]* "I believe the government is obliged to offer this course in both official languages."

The OLA makes no exceptions for special circumstances; an institution governed by the OLA must be able to uphold its linguistic obligations at all times, regardless of unforeseen circumstances. Even though the service is provided online, the same obligations must be met. It is up to the institution, not members of the public, to find a way to ensure its system meets the linguistic obligations imposed under the OLA.

As noted in previous situations, if the service received in the language of choice is not adequate or if members of the public get the impression that the service in their language is not equivalent to that offered in the other official language, they are often unlikely to assert their language rights. Instead, they are more likely to accept service in the other official language. Past experience has also shown that many people do not insist on receiving services in their official language of choice.

In the opinion of the OCOL, the institution must work to eliminate any perception among members of the public that there is inequality regarding access to training courses in either of the two official languages. Because of the complainant's strong impression that the training course of interest was not available in French when the complainant wanted to register, there was a lack of continuity of service in French. This part of the complaint is therefore founded.

Equal access in both official languages

An important component of this investigation is the principle of equal access in both official languages. It is important to explain this issue in the context of this report, because during the Teams discussions between the OCOL and the institution's employees, there seemed at times to be uncertainty regarding the precise definition of equal access in both official languages.

In *DesRochers v. Canada (Industry)*, the Supreme Court of Canada⁴ considered the scope of the obligations arising from the guarantee of linguistic equality: "What matters is that the services provided be of equal quality in both languages."

Madam Justice LeBlanc, in the decision *The Queen, as represented by the Treasury Board on behalf of the EM/ANB Inc. and CUPE local 4848 and The Office of the Commissioner of Official Languages for New Brunswick* (2019 NBKB 097), specified that:

⁴ *DesRochers v. Canada (Industry)*, 2009 SCC 8.

[Translation]

A distinguishing characteristic of language rights in New Brunswick is that the legislation, in the implementation of such rights, has used a “personal approach” as opposed to a “territorial approach”.

The Court concluded in this decision that Ambulance New Brunswick “has the obligation to offer services of equal quality in the citizen’s official language in every part of New Brunswick.”

In *R v. Beaulac*, 1999 CanLII 684, the Supreme Court of Canada reminds us that

an application for service in the language of the official minority language group must not be treated as though there was one primary official language and a duty to accommodate with regard to the use of the other official language. The governing principle is that of the equality of both official languages.

But what is meant by the notion of substantive equality in this case? The complainant wanted to register for a training course offered by the institution in French, their language of choice. Although the institution believes that it offers “equal access to Conservation Education courses throughout the province, regardless of clients’ language preferences,” the complainant indicated not seeing any courses offered in French available for registration while navigating the institution’s website. The complainant felt disadvantaged by their official language preference and feels that “the Francophone population is unfairly underrepresented.” While it is possible that this perception by the complainant was caused by a lack of communication on the part of the institution, this type of situation contributes to the undervaluation of one of the two official languages, which violates *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* and the *Canadian Charter of Rights and Freedoms*.

The institution indicated having met “client demand in both official languages,” but its initial response included very few details to support this statement. However, in response to the request for more elaborate answers in the notice of investigation, the institution stated that

[Translation]

[t]he current complaint regarding course availability has highlighted the need for DNRED to re-evaluate how it assesses the need to offer training courses equally to both official linguistic communities

and that

[Translation]

[a]s a result of this complaint, the department has placed increased emphasis on clients’ language preferences and ensuring relevant data are collected. Data will be used to ensure equal access to Conservation Education courses for citizens of both official linguistic communities.

The OCOL believes that equal access to training courses in both official languages must be free of barriers, including those relating to training course availability, the distance travelled to access the courses, the number of spaces available and any delays in providing courses in clients' language of choice. For example, in reality, it is unlikely that the institution could offer an equal ratio (1:1) of training courses in every part of the province due to the limited number of human resources available and the fact that not all regions of New Brunswick have the same proportion of population for each official language. However, it is the responsibility of the institution to ensure, by whatever means possible, equal access to its training courses in both official languages.

As a result, the institution indicated that *[Translation]* "[i]t has come to light, through this complaint, that there are things the department can improve." In the following section, we will examine the measures that the institution believes will improve equal access to its training courses.

Measures taken since the last investigation report

As noted above, this complaint follows an investigation report issued on January 25, 2018, in which the OCOL recommended that the institution "take steps to offer equal access to the Canadian Firearms Safety Course in both official languages."

In the notice of investigation for this file, the OCOL asked the following question:

[Translation]

What steps has your institution taken since the report in question to provide equal access in both official languages to all of its training courses, regardless of the number of participants?

The institution replied as follows:

[Translation]

The Department of Natural Resources and Energy Development (DNRED) considers itself to offer equal access to Conservation Education courses throughout the province, regardless of clients' language preferences. At a provincial level, clients with English language preference wait an average of 150.5 days before enrolling in a course, where clients with French language preference wait an average of 149.0 days.

Prior to registering for a course, clients are required to apply for an outdoors card, at which point they are asked to state their preferred language of communication. All Conservation Education courses are offered in both official languages and are accompanied by manuals in the client's language of choice.

The department's outdoors card database shows approximately 12% of DNRED's clients have selected French as their preferred language. Since January 26, 2018,

DNRED has delivered 1203 classroom-based Conservation Education courses, with 233 (19.4%) of those courses delivered in French, in 9 locations and an additional 16 bilingual courses⁵ (available upon request), in 6 locations. In total, the department has provided in-person service to 22,966 conservation education students since the filing of the investigation report on January 25, 2018.

DNRED is aware that New Brunswick's population is growing and that urban centers have seen most of this growth. This has led to challenges in meeting the needs of both the French and English linguistic communities. The department has been working with Service New Brunswick to better serve clients in their language of choice. For example, in February of 2022, DNRED launched Canada's first fully bilingual online Hunter Education course. This gives all New Brunswickers the ability to take the course from anywhere, at any time, and in the official language of their choice.

(Our emphasis)

This response demonstrates to the OCOL that the institution is aware of its linguistic obligations and is making efforts to achieve equal access for both official linguistic communities. However, despite the challenges in “meeting the needs” of both linguistic communities, the institution must implement measures to ensure the equality of its services and courses in both official languages. The indication that members of the public wait an average of 149 days to take a course in French and 150.5 days to take a course in English shows that the institution strives to treat both official linguistic communities equally, ensuring that one does not have a longer wait time than the other. We can see from its responses that, since 2018, the institution has focused on this issue and attaches a great deal of importance to its statistics on wait times for both official languages. It stated that

[Translation]

DNRED uses client wait times to measure success. The goal is to ensure that a French client does not wait any longer to access a course than an English client. Using language preference data from clients' Outdoors Cards, paired with wait list information and the first location selected by clients, median wait times were determined to be 150.5 days for clients with English language preferences and 149.0 days for clients with French language preferences. When we include all locations selected by clients, median wait times were 147 days for clients with

⁵ On May 7, 2024, the OCOL asked the institution for clarification on the teaching process for bilingual courses. The institution stated as follows by email:

[Translation]

Courses are offered entirely in French or English. However, we have received requests for bilingual in-person instructors for some courses, as certain people wish to take the course in French but the test in English. In these situations, the client always has the opportunity to ask questions in the language of choice, but the course itself is in French and the test can be taken in either French or English.

English language preferences and 134 days for clients with French language preferences.

According to the OCOL, these data show that the institution is committed to offering its courses of equal quality in both official languages and has used various means to try and balance wait times between the languages. As is mentioned further into the report, the institution relies heavily on an electronic waiting list, which it has modified since the COVID-19 pandemic. We will discuss this issue in the following section.

The institution also described additional measures to better serve its clients in the delivery of its training courses. One of these measures was establishing the first bilingual online training course, designed to reduce wait times for clients who want to take an in-person course in either official language. It stated as follows:

[Translation]

Since the report, DNRED has developed the first bilingual online Hunter Education course. Providing online access to Hunter Education in both official languages has created the ability for clients in all areas of New Brunswick and in both linguistic communities to access the program on demand. Developing an online platform was intended to reduce wait times for clients and to enable the department to improve delivery of the Canadian Firearms Safety Course without adversely affecting the Hunter Education program.

The OCOL wanted to know what “bilingual online course” meant for the institution. Is the online course offered entirely in French, entirely in English or partially in both official languages? An email from the institution’s official languages coordinator explained as follows:

[Translation]

The course is available entirely in French or entirely in English. Members of the public must make their choice at the beginning of the course, as the course is not given partly in French and partly in English.

The institution is also evaluating the possibility of offering other online courses in the future.

It should be noted that the institution appears to be aware of the strong demand for its training courses across the province and is taking the opportunity when it can to offer additional courses to meet the demand from both official linguistic communities. As discussed in a Teams conversation, the institution also seems to be aware that members of the public travel all over the province to attend training courses. The institution stated as follows:

[Translation]

Conservation Education courses are currently offered within 18 district office locations throughout New Brunswick, including an online option. To ensure equal access to the program, course delivery targets may be updated in some areas based on future analyses of clients’ language preferences.

Additionally, the department actively works with local communities to offer Conservation Education courses and to address specific needs. For example, DNRED staff frequently deliver courses at the request of First Nations communities, non-profit organizations, businesses, and community groups. These courses are delivered in the location and language requested.

The institution also informed the OCOL that it was working on ensuring it had the resources available to offer the courses. These resources, human and other, impact the wait time for enrolment in a training course:

[Translation]

DNRED is also surveying current volunteer instructors to better understand the language capabilities in each district. This information will help the department understand where there may be a need for additional resources in the future.

.....
In addition to these measures, DNRED is currently putting a concentrated effort to offer additional courses, during the month of March, in both French and English in areas within proximity of our 3 big city centres. This effort will require resources from across our province and is focused on decreasing the number of people on both English and French wait lists.

(Our emphasis)

It is up to each provincial institution with obligations under the OLA to determine how best to ensure that the language rights of members of the public are respected throughout the province. For example, an institution must ensure that it has a sufficient number of employees who are able to communicate in both official languages. It is therefore the institution's responsibility to determine the number of employees and the appropriate level of language proficiency required to ensure it can provide services of equal quality in both official languages to the public.

Finally, in its presentation of the measures put in place since the submission of the investigation report dated January 25, 2018, the institution indicated as follows:

[Translation]

The department has also created a geographic information system model to predict unmet demand and to represent those data graphically. Please find attached in Appendix A,⁶ three maps of New Brunswick, representing predicted total demand for the Canadian Firearms Safety Course (Firearms Safety) as well as demand in each official language. Please note the unmet demand is primarily in urban areas.

At this time, these maps are not available on the institution's website, and the OCOL does not know whether such documents will be posted online in the future. However, the maps clearly

⁶ Appendix A is an internal document and is not included in this report.

show where the demand for training courses in New Brunswick lies. The institution may wish to include them on its website in the future, as doing so may help members of the public better understand the demand for its training courses in both official languages.

Training course waiting list

The institution focuses heavily on the waiting list to manage equal access to its training courses in both official languages. The institution has stated that, thanks to this waiting list, it can determine when, where and in what language its courses will be offered.

The OCOL asked the following question regarding the waiting list for training courses offered by the institution:

[Translation]

How would improving the waiting list improve equal access to your training courses for all members of both official linguistic communities?

In response, the institution explained that it had modified its waiting list after the earlier complaint and the COVID-19 pandemic to include clients' choice of language in a drop-down menu. It indicated as follows:

[Translation]

Historically, pre-pandemic, DNRED district offices had paper lists of those wishing to take French or English courses. When the department switched to an online list during the pandemic, all clients were notified of all courses as they became available, but there was no language data collected when clients registered on the digital waitlist. As a direct result of this complaint, the department now asks clients to identify whether they would prefer a course in French, English or if they have no preference.

When a course becomes available in either language, the client receives an electronic notification. Further to this, to ensure both linguistic communities are served equally; district offices will be prompted when an individual has been on a list for a given amount of time. The department will ensure equal wait time for both communities. What this means is, if one client with a French language preference in a particular district has been waiting the maximum time that an anglophone client would wait, the district office will be notified a month prior that they must offer a course in the next 30 days.

*.....
Regional managers will also be notified of the number of clients on each waitlist for each office within their region. This notification will be automated and sent monthly.*

*.....
Currently, course delivery targets are based on a 5-year average of clients served by each DNRED office, plus 50 per cent of the current waiting list. Prior to the*

current complaint, district offices determined the need for training courses in each official language based on local and regional demographics as well as historical course delivery.

.....
This language-based waitlist, as well as equal wait times for French and English communities within each district office, will ensure that there are no linguistic barriers to accessing Conservation Education courses.

.....
The Department is working with regions to establish maximum wait times for French and English to ensure equal wait times for both communities in each district office location.

The OCOL commends the institution for making changes to its waiting list. This demonstrates that the equal treatment of clients from both official linguistic communities, regardless of the official language chosen, is important to the institution.

[Translation]

Refining the waiting list to include clients' preferred language will contribute to an active offer of service and will ensure clients are aware courses are available in both official languages. Additionally, the data collected will be used to monitor program delivery and to develop relevant metrics, ensuring equal wait times for French and English communities.

The institution also explained that it is working hard to make the data available so that clients can see where they stand on the waiting list and determine how long they can expect to wait. This demonstrates the institution's openness to communication with its clients. The OCOL supports the institution's efforts to make the waiting list more transparent, especially with regard to establishing equal wait times for both official languages in the delivery of training courses.

According to its February 29, 2024, response, the institution is still working on implementing certain waiting list procedures and has not offered a deadline or timeline for their implementation:

[Translation]

As a result of this complaint, the department has placed increased emphasis on clients' language preferences and ensuring relevant data are collected. Data will be used to ensure equal access to Conservation Education courses for citizens of both official linguistic communities.

.....
The implementation of improvement items from this project has begun and full implementation will be prioritized over the coming fiscal year. For example, collecting clients' language preferences as part of the electronic waiting list has now been implemented.

Course availability transparency

According to the details of the complaint, the complainant felt disadvantaged due to wanting to register online for a training course but not being able to find a course offered in French, their preferred language, at that time. To resolve this situation, the institution stated it needs to be more transparent in sharing information with its clients about the courses it has offered in the past and will offer in the future.

The institution indicated it would improve its course availability and communication with clients in the following ways:

[Translation]

Our website will now show courses that were offered in the last 6 months by language, as well as the next 6 months by language. The department is pursuing an information technology solution to increase transparency regarding past and future course offerings in both official languages. [. . .]

In addition to past and future courses, DNRED is evaluating options to improve transparency of the electronic waiting list numbers by language. This information may include median wait times, the number of clients from each linguistic community who are waiting to take a specific course in the selected area.

The goal here is to improve communication between the institution and its clients with regard to the courses offered based on “location, course type, and language.” As described above, the complainant felt that there was a lack of equality in the delivery of the institution’s training courses in both official languages. The OCOL believes that better communication at the time of registration could help mitigate any perceptions by members of both official linguistic communities.

The institution clarified its response as follows:

[Translation]

Course availability is published in both official languages on the department’s website. Clients can also obtain this information by contacting any DNRED district office or Service New Brunswick service centre. In addition, all clients on a waitlist are sent an automated message when a course is being offered in their preferred language.

.....
To improve transparency of Conservation Education course offerings, the department intends to modify the “Take a Course” page to enable selecting a course type in advance of the course location. Currently, clients must select a location before viewing available courses. The intent is to allow clients the option of selecting a location or a course type, followed by a list of current, past, and future courses.

It should be noted that the institution could eliminate certain public perceptions if it added more information to its website concerning past or future training courses. An OCOL investigator checked the institution's website in early October 2024 and noted that the page listing courses offered at the Dieppe district office, where the complainant in this case wanted to take a course, contained no courses in French between October 8 and November 26, 2024. For a member of the public, the perception that the Dieppe district office offers no courses in French is therefore still possible.

As the institution has promised, it must demonstrate greater transparency with regard to these communications and the information available to the public. The institution's reply dated February 29, 2024, suggests that it is still working on this issue:

[Translation]

At the time of this response, specific details have not been finalized; however, the intent is to publish this information on the DNRED website.

The OCOL hopes that this information will be published as soon as possible to demonstrate transparency for members of the province's two official linguistic communities.

Inventory of past courses

During a Teams meeting held in July 2023, the then official languages coordinator suggested that the institution had at its disposal a series of data demonstrating equal access to training courses over the years. In its informal resolution letter and subsequent notice of investigation, the OCOL requested a series of statistics from the institution showing the inventory of all its courses in both official languages. The OCOL's question reads as follows:

[Translation]

Please provide us with a precise inventory of all training courses that have been offered by your institution since the investigation report of January 25, 2018, was issued by the Office of the Commissioner.

The institution replied as follows:

[Translation]

A precise inventory of Conservation Education Course offerings since January 25, 2018, can be found attached as Appendix B.⁷ In addition to Conservation Education courses, the Department also offers a Scalpers course once a year in both English and French which is limited to people who work in the Forest industry.

Appendix B is a 67-page document containing data on training courses offered by the institution since the previous report was issued on January 25, 2018. It includes the location of the courses

⁷ Appendix B is an internal document and is not included in this report.

and the official language in which they were offered. As noted above, the institution has compiled statistics from this exhaustive table and shared its findings in its response:

[Translation]

Since January 26, 2018, DNRED has delivered 1203 classroom-based Conservation Education courses, with 233 (19.4%) of those courses delivered in French, in 9 locations and an additional 16 bilingual courses (available upon request), in 6 locations. In total, the department has provided in-person service to 22,966 conservation education students since the filing of the investigation report on January 25, 2018.

An OCOL investigator reviewed the data in Appendix B to determine whether, since January 25, 2018, there had been an increase in the number of courses offered in French in relation to the number of courses offered in English. For example, when we look at the Firearms Safety / Hunter Education course,⁸ although the data varies from year to year, the OCOL noted that in 2018, 24.7% of these courses were offered in French instead of English, whereas in 2024⁹, this proportion was 35.1%. Data for other years are shown in the table below:

		2018		2019		2020		2021		2022		2023		2024		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Firearms Safety / Hunter Education	French (French instructor)	39		41		20		35		37		42		20		234	
	French (French instructor)	1		0		0		0		0		2		0		3	
	French (total)	40	24,7	41	23,3	20	33,3	35	27,6	37	27,2	44	31,2	20	35,1	237	27,6
	English	122	75,3	135	76,7	40	66,7	92	72,4	99	72,8	97	68,8	37	64,9	622	72,4
		162	100	176	100	60	100	127	100	136	100	141	100	57	100	859	100

On May 7, 2024, the OCOL asked the institution for clarification on the teaching process for bilingual courses. The institution stated as follows by email:

[Translation]

Courses are offered entirely in French or English. However, we have received requests for bilingual in-person instructors for some courses, as certain people wish to take the course in French but the test in English. In these situations, the client always has the opportunity to ask questions in the language of choice, but the course itself is in French and the test can be taken in either French or English.

The institution also indicated that, in the data in Appendix B, [translation] “a bilingual course can be counted (added) to the total number of courses in French.”

It should be noted here that the availability of courses in each of the two official languages is only one indicator of equal access to training courses. Other indicators include the distance travelled to access them, the number of places available and the wait times for course delivery in clients’ language of choice.

⁸ Please note that these data are not official, as they include a margin of error.

⁹ The institution has shared data concerning the training courses that will be offered up to November 14, 2024.

As seen in its responses, the institution has outlined how it feels it has provided equal access to members of both official linguistic communities in the delivery of its training courses. However, the OCOL notes some steps have yet to be implemented on the institution's website, and it makes the following recommendations:

Recommendation No. 1

The Office of the Commissioner recommends that the institution, within a reasonable period of time, make all of its suggested changes to its website to enhance transparency during registration for its training courses in both official languages, therefore avoiding any perception by members of the public that

- 1) certain training courses are not offered in their preferred language, and**
- 2) access to these training courses is not equal for members of both official linguistic communities.**

Recommendation No. 2

The Office of the Commissioner recommends that the institution provide a timetable for implementing the steps it has suggested in its responses within 30 days following the issue of this investigation report and an update of all steps taken in the six months following the issue of this investigation report.

Conclusion and Recommendations

Based on its investigation, the Office of the Commissioner of Official Languages is able to establish that, for the reasons set out in this report, the complaint is **founded** and that the Department of Natural Resources and Energy Development (the institution) failed to meet its obligations under the *Official Languages Act* of New Brunswick (OLA).

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

1. **THAT** the institution, within a reasonable period of time, make all of its suggested changes to its website to enhance transparency during registration for its training courses in both official languages, therefore avoiding any perception by members of the public that
 - 1) certain training courses are not offered in their preferred language, and
 - 2) access to these training courses is not equal for members of both official linguistic communities;
2. **THAT** the institution provide a timetable for implementing the steps it has suggested in its responses within 30 days following the issue of this investigation report and an update of all steps taken in the six months following the issue of this investigation report.

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

Pursuant to subsection 43(16) of the OLA, we submit this report to the Deputy Minister of Natural Resources and Energy Development, the complainant and the Premier. We also submit it to the Clerk of the Executive Council and to the Executive Director of the Official Languages Secretariat.

Pursuant to subsection 43(18) of the OLA, if the complainant is dissatisfied with the conclusions presented following this investigation, they may apply to the Court of King's Bench of New Brunswick for a remedy.

Shirley C. MacLean, K.C.
Commissioner of Official Languages for New Brunswick
Signed at the City of Fredericton,
Province of New Brunswick,
This 7th day of November 2024

APPENDIX 1

Questions asked by the OCOL and answers provided by the institution

The questions asked by the OCOL and answers provided by the institution are translated here in their entirety.

Question 1: The Office of the Commissioner believes that equal access to the services of institutions with linguistic obligations in both official languages must be free of barriers, including those in relation to training course availability, the distance travelled to access the courses, the number of spaces available and any delays in providing courses in clients' language of choice.

Question 1a: To what extent does your institution believe it has ensured equal access to its training courses for both official linguistic communities since the Office of the Commissioner issued the investigation report of January 25, 2018?

RESPONSE: *The Department of Natural Resources and Energy Development (DNRED) considers itself to offer equal access to Conservation Education courses throughout the province, regardless of clients' language preferences. At a provincial level, clients with English language preference wait an average of 150.5 days before enrolling in a course, where clients with French language preference wait an average of 149.0 days.*

Prior to registering for a course, clients are required to apply for an outdoors card, at which point they are asked to state their preferred language of communication. All Conservation Education courses are offered in both official languages and are accompanied by manuals in the client's language of choice.

The department's outdoors card database shows approximately 12% of DNRED's clients have selected French as their preferred language. Since January 26, 2018, DNRED has delivered 1203 classroom-based Conservation Education courses, with 233 (19.4%) of those courses delivered in French, in 9 locations and an additional 16 bilingual courses (available upon request), in 6 locations. In total, the department has provided in-person service to 22,966 conservation education students since the filing of the investigation report on January 25, 2018.

DNRED is aware that New Brunswick's population is growing and that urban centers have seen most of this growth. This has led to challenges in meeting the needs of both the French and English linguistic communities. The department has been working with Service New Brunswick to better serve clients in their language of choice. For example, in February of 2022, DNRED launched Canada's first fully bilingual online Hunter Education course. This gives all New Brunswickers the ability to take the course from anywhere, at any time, and in the official language of their choice.

Question 1b: How do you measure your success?

RESPONSE: As mentioned above, DNRED uses client wait times to measure success. The goal is to ensure that a French client does not wait any longer to access a course than an English client. Using language preference data from clients' Outdoors Cards, paired with wait list information and the first location selected by clients, median wait times were determined to be 150.5 days for clients with English language preferences and 149.0 days for clients with French language preferences. When we include all locations selected by clients, median wait times were 147 days for clients with English language preferences and 134 days for clients with French language preferences.

Question 1c: What steps has your institution taken since the report in question to provide equal access in both official languages to all of its training courses, regardless of the number of participants?

RESPONSE: Since the report, DNRED has developed the first bilingual online Hunter Education course. Providing online access to Hunter Education in both official languages has created the ability for clients in all areas of New Brunswick and in both linguistic communities to access the program on demand. Developing an online platform was intended to reduce wait times for clients and to enable the department to improve delivery of the Canadian Firearms Safety Course without adversely affecting the Hunter Education program.

It has come to light, through this complaint, that there are things the department can improve, such as prompting clients to choose their language of choice when they register for an online waitlist. Historically, pre-pandemic, DNRED district offices had paper lists of those wishing to take French or English courses. When the department switched to an online list during the pandemic, all clients were notified of all courses as they became available, but there was no language of choice data collected when clients registered on the digital waitlist. As a direct result of this complaint, the department now asks clients to identify whether they would prefer a course in French, English or if they have no preference.

When a course becomes available in either language, the client receives an electronic notification. Further to this, to ensure both linguistic communities are served equally; district offices will be prompted when an individual has been on a list for a given amount of time. The department will ensure equal wait time for both communities. What this means is, if one client with a French language preference in a particular district has been waiting the maximum time that an anglophone client would wait, the district office will be notified a month prior that they must offer a course in the next 30 days.

The department has also created a geographic information system model to predict unmet demand and to represent those data graphically. Please find attached in Appendix A, three maps of New Brunswick, representing predicted total demand for the Canadian Firearms Safety Course (Firearms Safety) as well as demand in each official language. Please note the unmet demand is primarily in urban areas.

Question 1d: What additional measures does your institution plan to undertake in the near future to improve equal access to all of its training courses in both official languages?

RESPONSE: As mentioned above, DNRED has added a language preference option specific to the online waiting list. Regional managers will also be notified of the number of clients on each waitlist for each office within their region. This notification will be automated and sent monthly.

DNRED is also surveying current volunteer instructors to better understand the language capabilities in each district. This information will help the department understand where there may be a need for additional resources in the future.

In addition to longer term efforts, the department is pooling resources from across the province to offer additional courses, in both official languages, in Fredericton, Dieppe, and Saint John throughout the month of March. This is being done to help address the backlog of unmet demand for both French and English courses.

Question 2a: Can you give us a detailed explanation of all the steps currently involved in registering a member of the public for a training course offered by your institution, regardless of the person's preferred official language?

RESPONSE: All written and oral communication is provided in the client's language of choice. If clients are seeking to register for a course via telephone, email, or in person, the process is as follows:

- *The client is informed of the legal requirement to complete both the Canadian Firearms Safety Course (Firearms Safety) and a recognized Hunter Education course to purchase a hunting licence in New Brunswick. Clients who were born before January 1, 1981, and who can provide proof of having held a previous hunting licence are only required to complete Firearms Safety.*
- *The client is informed of the minimum age requirements to participate. They must be at least 12 years of age by the first day of the course to enroll in Firearms Safety.*
- *If the client does not have an Outdoors Card, they are provided a link via email to register for one.*
- *Clients are informed new courses are published on the first Monday of every month.*
- *If the client does have an Outdoors Card, they are directed to www.qnb.ca/fishwildlife and the subsequent 'Take a Course' link, where they can see a list of upcoming courses in each district.*
 - *Courses are organized by region, district, course type, and language. For your reference, a screenshot of courses offered by the Bathurst district office, taken on January 26, 2024, can be found below.*

« Conservation Education Courses by Office

Upcoming Conservation Education Courses
Conservation Education Courses by Course Type

Course Type	Start Date	Contact Office Click for Contact Information	Course Location	Seats Remaining	Language	Click to enroll in course
Firearms Safety - classroom	2025-08-23	Bathurst (E-3)	Mines Branch (next to the Natural Resources office), 2574 Route 180, South Tetagouche, NB	Full	French	
August 23rd, 2025, Part A 8:00-17:00- August 24th, 2025, Part A 8:00-17:00 (TESTING)						
Firearms Safety - classroom	2025-09-13	Bathurst (E-3)	Mines Branch Building (next to DNR office) 2574 Route 180, South Tetagouche NB	Full	English	
Part A Saturday September 13th (8am-5pm), Sunday September 14th (8am-5pm) TESTING						
Firearms Safety, Hunter Education - classroom	2025-11-20	Bathurst (E-3)	Mines Branch Building (next to DNR office) 2574 Route 180, South Tetagouche NB	8	French	
Part B Thursday November 20th (6pm-10pm), Friday November 21st (6pm-10pm), Part A Saturday November 22nd (8am-5pm), Sunday November 23rd(8am-5pm) TESTING						

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(The above table is different than the one in the original report due to the way the system is designed)

- Clients are informed they can register for a course online, in person at a district office, or over the phone by calling a district office directly.
- Should a client seek to register for a course online, they would visit the Government of New Brunswick Website and be required to navigate to DNRED's "Take a Course" page or to visit that site directly after searching for relevant terms. Once reaching the "Take a Course" page, the client would be required to follow the same procedures as clients who reached that page after being directed by staff.
- If a client cannot find a course in their preferred location, they are encouraged to sign up to the electronic waiting list on DNRED's "Take a Course" page. The electronic waiting list collects the client's email address, Outdoors Card number, preferred course type and location, preferred language(s), and preferred time of day (daytime, evening, or weekend).

Question 2b: Please include any prerequisites for course registration of which we are unaware.

RESPONSE: The only pre-requisites for course registration are minimum age requirements set in provincial regulation, or in the case of Firearms Safety, by the Government of Canada.

Question 3: How does your institution currently assess the need to offer training courses equally to members of both official linguistic communities?

RESPONSE: Currently, course delivery targets are based on a 5-year average of clients served by each DNRED office, plus 50 per cent of the current waiting list. Prior to the current complaint, district offices determined the need for training courses in each official language based on local and regional demographics as well as historical course delivery.

The current complaint regarding course availability has highlighted the need for DNRED to re-evaluate how it assesses the need to offer training courses equally to both official linguistic communities. The department intends to use language preference data from the online waitlist, which now prompts the client to identify whether they would prefer a course in French, in English or if they have no preference.

This language-based waitlist, as well as equal wait times for French and English communities within each district office, will ensure that there are no linguistic barriers to accessing Conservation Education courses. As mentioned during a previous question; equal wait times will be ensured for both language communities regardless of the number of people on the wait list. If the maximum acceptable wait time in a district is determined to be 150 days, that will apply to all clients in the district, regardless of language preferences or the number of clients from a particular linguistic community. The district office will receive an automated message to inform them that a client is approaching the maximum wait time and that they have 30 days to offer a course.

Question 4: Your reply of October 24, 2023, indicates that

the department also acknowledges the importance of increasing transparency regarding course offerings. This includes providing information on both past courses and those scheduled beyond the current enrollment period.

Question 4a: In what ways does your institution plan to be transparent with regard to past or future courses in both official languages?

RESPONSE: Our website will now show courses that were offered in the last 6 months by language, as well as the next 6 months by language. The department is pursuing an information technology solution to increase transparency regarding past and future course offerings in both official languages. At the time of this response, specific details have not been finalized; however, the intent is to publish this information on the DNRED website.

In addition to past and future courses, DNRED is evaluating options to improve transparency of the electronic waiting list numbers by language. This information may include median wait times, the number of clients from each linguistic community who are waiting to take a specific course in the selected area.

Question 4b: To what extent will the choice of official language be part of this transparency exercise?

RESPONSE: Course date, type, location, and language will be included in this information.

Question 4c: How will your institution manage the availability of training courses in both official languages?

RESPONSE: *DNRED will manage the availability of training courses by using the wait list information by language and ensuring that the French and English courses offered in each district are delivered with equal wait times, regardless of the number of participants. The Department is working with regions to establish maximum wait times for French and English to ensure equal wait times for both communities in each district office location.*

In addition to these measures, DNRED is currently putting a concentrated effort to offer additional courses, during the month of March, in both French and English in areas within proximity of our 3 big city centres. This effort will require resources from across our province and is focused on decreasing the number of people on both English and French wait lists.

Question 4d: How do you plan to inform members of the public of all training courses you will have available in the official language of their choice?

RESPONSE: *Course availability is published in both official languages on the department's website. Clients can also obtain this information by contacting any DNRED district office or Service New Brunswick service centre. In addition, all clients on a waitlist are sent an automated message when a course is being offered in their preferred language.*

As outlined previously, the department is also evaluating options to share online information regarding future courses that will be coming up in the next 6 months. This information will include transparency for each location, course type, and language.

Question 5: Are you planning to make any changes to your current website to enhance transparency with regard to the registration process for your training courses and the posting of your "past courses and those scheduled beyond the current enrollment period?"

To improve transparency of Conservation Education course offerings, the department intends to modify the "Take a Course" page to enable selecting a course type in advance of the course location. Currently, clients must select a location before viewing available courses. The intent is to allow clients the option of selecting a location or a course type, followed by a list of current, past, and future courses. Please see below for a screenshot of the current "Take a Course" page.

Natural Resources and Energy Development

About + Services Publications Fish & Wildlife Crown Lands Forestry & Conservation Energy & Mineral Resources

« Natural Resources and Energy Development » Fish & Wildlife

Take a course



Online Courses

Please note that the Hunter Education Course and the Canadian Firearms Safety Course (CFSC) are two separate courses. The CFSC is still a classroom only course.

- ▶ Hunter Education (Part B)
- ▶ Turkey Hunting Course

In-person Courses:

Choose by Course, region or district office

Courses offered:

- Bowhunter Education
- Bowhunter Challenge
- Firearms Safety
- Firearms Safety and Hunter Education
- Hunter Education
- Trapper Education
- Nuisance Wildlife Control Operator

Choose a location for availability:

West Region

- ▶ Edmundston
- ▶ Plaster Rock
- ▶ Florenceville
- ▶ Canterbury
- ▶ Fredericton
- ▶ Chipman
- ▶ Sussex
- ▶ Hampton
- ▶ Welsford
- ▶ St. George

East Region

- ▶ Saint-Quentin
- ▶ Campbellton
- ▶ Bathurst
- ▶ Tracadie-Sheila
- ▶ Miramichi
- ▶ Doakdown
- ▶ Richibucto
- ▶ Dieppe



Course Overviews:

- ▶ Canadian Firearms Safety Course Information
- ▶ Firearms Safety/Hunter Education Course Information
- ▶ Nuisance Wildlife Control Operator Course Information
- ▶ Bow Hunting Course Information
- ▶ Trapper Education Course Information

Quick Links

- ▶ Office Locations
- ▶ General Information on Fish & Wildlife
- ▶ Apply for a Draw
- ▶ Get a speciality licence/permit
- ▶ Go Fishing
- ▶ Go Hunting
- ▶ Go Trapping
- ▶ Outfitters and Guides
- ▶ How to become an instructor
- ▶ Outdoors Card
- ▶ Refund Policy - **new**
- ▶ Fish & Wildlife Act

Requirement:

You will need an Outdoors Card number to enroll in a course online or get on the Waiting List.

If you have a NB Drivers Licence or the NB Photo ID Card, register online for an Outdoors Card number. If you do not have either of the above, please refer to the Inquiries section below for assistance.

PLEASE NOTE: you are unable to enroll in a course online or get on the Waiting List **the same day** the Outdoors Card number is issued.

Wait List – Courses ▶

If you are looking for a course that is not available in your area, use this Waiting List link to indicate the type and location of the course you are interested in. As soon as seats become available with your criteria you will be notified by email.

Inquiries:

For any inquiries, contact DNRED Fish & Wildlife at 506-453-3826 or fw_phweb@gnb.ca.

As well as providing increased transparency regarding demand for and availability of courses, staff are exploring options to increase participation in online Hunter Education. Increased participation in online Hunter Education will reduce demand for in-person courses and allow improved delivery of Firearms Safety. Furthermore, the department is evaluating opportunities for additional online courses, such as Bowhunter Education. Regrettably, the Canadian Firearms Safety Course is administered on behalf of the Royal Canadian Mounted Police and is not available online, nor does the Provincial Government have the option to develop an online program.

Question 6: During a Teams discussion with investigators from my office, your official languages coordinator indicated that your department had previously collected a significant amount of data regarding the training courses offered by your department. However, your previous response did not include any supporting information or a precise inventory of all training courses offered, the official languages in which they were or are offered or the location where the courses were offered, although we specifically requested it.

Question 6a: Please provide us with a precise inventory of all training courses that have been offered by your institution since the investigation report of January 25, 2018, was issued by the Office of the Commissioner.

RESPONSE: A precise inventory of Conservation Education Course offerings since January 25, 2018, can be found attached as Appendix B. In addition to Conservation Education courses, the Department also offers a Scalers course once a year in both English and French which is limited to people who work in the Forest industry.

Question 6b: In which official language was each of these courses offered?

RESPONSE: Please refer to Appendix B for details regarding the official language of each course.

Question 6c: Where in the province was each of these courses offered?

RESPONSE: Please refer to Appendix B for details regarding the location of each Conservation Education course offered since January 25, 2018.

Question 7: In your response of October 24, 2023, you mentioned your “process improvement project [. . .] focusing on improving the department’s ability to meet demand.”

Question 7a: In your opinion, is your institution currently responding to an imbalance between the two official languages?

RESPONSE: The process improvement project initiated by the department was in response to an increase in overall demand for Conservation Education courses and to improve program delivery from a client’s perspective. As a result of this complaint, the department has placed increased emphasis on clients’ language preferences and ensuring relevant data are collected. Data will be used to ensure equal access to Conservation Education courses for citizens of both official linguistic communities.

Question 7b: When do you plan to start implementing this project?

RESPONSE: *The implementation of improvement items from this project has begun and full implementation will be prioritized over the coming fiscal year. For example, collecting clients' language preferences as part of the electronic waiting list has now been implemented.*

Question 7c: How do you currently plan to improve equal access to your training courses in both official languages for members of both official linguistic communities?

RESPONSE: *DNRED will manage the availability of training courses by using the wait list information by language and ensuring that the French and English courses offered in each district are delivered with equal wait times, regardless of the number of participants. The Department is working with regions to establish maximum wait times for French and English to ensure equal wait times for both communities in each district office location.*

In addition to these measures, DNRED is currently putting a concentrated effort to offer additional courses, during the month of March, in both French and English in areas within proximity of our 3 big city centres. This effort will require resources from across our province and is focused on decreasing the number of people on both English and French wait lists.

Question 7d: Does this "process improvement project" involve increasing the number of locations where your training courses will be offered?

RESPONSE: *Conservation Education courses are currently offered within 18 district office locations throughout New Brunswick, including an online option. To ensure equal access to the program, course delivery targets may be updated in some areas based on future analyses of clients' language preferences.*

Additionally, the department actively works with local communities to offer Conservation Education courses and to address specific needs. For example, DNRED staff frequently deliver courses at the request of First Nations communities, non-profit organizations, businesses, and community groups. These courses are delivered in the location and language requested.

Question 8: Your reply of October 24, 2023, indicates that

the department has taken immediate action to improve the Conservation Education program's electronic waiting list. The electronic waiting list is used to set course delivery targets and to notify clients of upcoming courses.

Question 8a: How does your waiting list for taking a training course offered by your institution currently work?

RESPONSE: *As mentioned previously, prior to Covid-19, each district office maintained a list of community members seeking Conservation Education courses. This list included clients' contact*

information, desired courses, and language preferences. As a temporary measure due to office closures, an electronic waiting list was developed to maintain client contact information and to notify clients when courses became available in their area.

At the time of this complaint, clients unable to enroll in a course for any reason could click on the “Wait List – Courses” link on the DNRED website. When registering on the online waiting list, clients were asked to select a course and location, and to provide their contact information.

As a direct result of this complaint, the online waiting list has been modified and now includes a dropdown menu requesting clients’ preferred language. In response to an unrelated matter, the waiting list has also been updated to request clients select their preferred time of day. Please see below for a sample of this screen.

The screenshot shows a web form titled "Conservation Education Course Availability E-Mail Notification". Below the title is a breadcrumb trail: "Conservation Education Courses by Region" > "Conservation Education Course Availability E-Mail Notification". The form is divided into three main sections: "Course Information", "Client Information", and "Survey Question (Optional)".

Course Information: This section contains three dropdown menus: "Course Type:", "Office:", and "Preferred Language:". The "Preferred Language:" dropdown is currently open, showing "English" and "French" as options.

Client Information: This section contains two text input fields: "E-Mail Address:" and "Confirm E-Mail Address:". The "Preferred Language:" dropdown is also open here, showing "English", "French", and "No preference" as options.

Survey Question (Optional): This section contains a question: "If given the option, when would you prefer to attend future courses? (Check all that apply.)". Below the question are four checkboxes: "On a weekday", "During the evening", "On a weekend", and "No preference". The "No preference" checkbox is checked.

At the bottom of the form is a "Subscribe" button.

Below the form is a footer section with contact information: "Contact Us | (506) 453-3826 | fw_pfw@gnb.ca". Below this is a copyright notice: "All content © 2025 Government of New Brunswick. All rights reserved". To the right of the copyright notice are links: "Feedback", "Social Media", "Privacy", and "Disclaimer".

Question 8b: To determine demand, do you specifically ask members of the public the language in which they wish to take a course?

RESPONSE: Please see the response to 8(a) above.

Question 8c: How would improving the waiting list improve equal access to your training courses for all members of both official linguistic communities?

RESPONSE: Refining the waiting list to include clients' preferred language will contribute to an active offer of service and will ensure clients are aware courses are available in both official languages. Additionally, the data collected will be used to monitor program delivery and to develop relevant metrics, ensuring equal wait times for French and English communities.