

History of Language Rights in New Brunswick

EVENT	SIGNIFICANCE
<p>1867 - Canadian Constitution Act, 1867</p> <p>(Note: The <i>Constitution</i> is the supreme law of the land in Canada. All other laws must be consistent with its provisions.)</p>	<p>When hearing constitutional cases, Courts must follow both the written text and the principles underlying the <i>Constitution Act (1867)</i>. This means they must follow the principle of 'respect for minorities', including language rights.</p>
<p>1969 –The first Official Languages in New Brunswick Act (1969) - The first <i>Official Languages Act</i> (federal)</p>	<p>-This Act was the first attempt in New Brunswick to recognize language rights in provincial matters. -The federal Act was past with the attempt to recognize language right at the federal level.</p>
<p>1973 - Parliamentary Resolution on Official Languages in the Public Service (federal)</p>	<p>This resolution was passed in 1973 by the federal government declaring that English and French speaking people would enjoy equality of status in all institutions of Parliament and of the Government of Canada.</p>
<p>1981 - An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick</p>	<p>This Act was adopted in New Brunswick to recognize the two official linguistic communities and ensure that both obtain equal rights and opportunities under the law.</p>
<p>1982 - Canadian Charter of Rights and Freedoms,¹ 1982.</p> <p>(Note: The <i>Charter</i> is part of a package of reforms contained in the <i>Canadian Constitution Act, 1982</i>. The constitution is a set of laws with rules about how Canada operates, including the powers of the federal government and provincial governments. Because it is the supreme law of the land, all laws must comply with it or they are invalid.)</p>	<p>The <i>Charter</i> guarantees language rights. This means Canadians have the right to use either the English or French languages in communications with the federal government and certain provincial governments. French and English minorities in every province and territory also have the right to be educated in their own language. Distinct education and cultural institutions, as provided in the <i>Charter</i>, are considered essential to the preservation and promotion of the language communities</p>
<p>1988 - New federal Official Languages Act came into effect</p>	<p>This new federal <i>Official Languages Act</i> was adopted in 1988 and the <i>Official Language Regulations</i> were adopted in 1991. These not only gave effect to language right guarantees in the <i>Charter</i>, but also set out the criteria for communications and delivery of services in English and French within the federal public service and to the public.</p>
<p>1993 – Charter amended</p> <p>(Note: New Brunswick chose to acknowledge its two distinct societies, French and English, in an amendment to the <i>Charter</i>.)</p>	<p>Article 16(2) of the <i>Charter</i> gives equal status and rights to both official languages in all provincial government institutions in New Brunswick. Brunswick is a bilingual province. The <i>Charter</i> also confirms the role of the legislature and government of New Brunswick in preserving and promoting the status, rights and privileges of the official linguistic communities.</p>
<p>1999 – Supreme Court of Canada decision on R. v. Beaulac</p>	<p>The judgment of the Supreme Court in <i>Beaulac</i> on May 20, 1999, laid down principles that the courts should be guided by in interpreting language rights. The language used in the judgment determines the need to adopt a liberal approach based on the principle of equality and the need to protect official language minorities, which must, in all cases, prevail in the interpretation of the language provisions in the Canadian Constitution.</p>
<p>2001- Moncton (City) v. Charlebois</p> <p>(Note: The New Brunswick Court of Appeal made a decision in December 2001 dealing with bilingualism and municipal bylaws. This case is referred to as the Charlebois decision, after the Moncton businessman who filed the suit after being served legal documents that were only available in English.)</p>	<p>The Court decided that cities and municipalities in New Brunswick with French or English language minorities would have to adopt, print and publish their municipal by-laws in both official languages where percentages warrant it. The percentage of the population used as a benchmark would have to be determined by legislation.</p>
<p>2002 - Official Languages Act (OLA).</p>	<p>In August 2002, the New Brunswick Legislature adopted a</p>

	<p>new Act to govern official language rights in the province. This Act was a response of the New Brunswick government to the important transformations of language rights in the Charter and the Charlebois decision. The new <i>Official Languages of New Brunswick Act</i> addresses the limitations of the previous law.</p>
<p>2003 – Office of the Commissioner of Official Languages for New Brunswick</p>	<p>The first Commissioner of Official Languages was appointed in 2003. The Office of the Commissioner was opened in April, 2003.</p>