

Ambulance NB and province commit to bilingual service in lawsuit settlement

Description

Ambulance New Brunswick and the province have committed to providing bilingual service as part of a lawsuit settlement with a Moncton brother and sister.

Danny Sonier had fallen into a diabetic coma in February 2013, but the two paramedics who responded to the Moncton emergency were unilingual anglophones.

Ambulance New Brunswick and the province acknowledge in a Court of Queen's Bench consent order released on Monday that they did not provide bilingual service to Sonier and his sister Murielle Sonier, in violation of their language rights.

The defendants have also committed to implementing several changes and reporting annually on their progress.

"We never denied the allegations," their lawyer Christian Michaud said.

"Obviously, we're recognizing the obvious, that these obligations stem from the Official Languages Act, and the consent order confirms those obligations but sets it out in a more comprehensive and detailed process."

Ambulance New Brunswick complies with the law in the vast majority of cases, Michaud said.

- [Paramedics union reaches deal with Ambulance NB on bilingualism](#)

Retired University of Moncton law professor Michel Doucet, who represented the Soniers, said they are pleased with the outcome.

"It's important for them to see that finally, what they were asking for has been accepted and it's been recognized as being founded."

Bound by court document

Because the consent order was signed by the judge, Doucet said, Ambulance New Brunswick and the province are legally bound to live up to its terms.

"The court has ordered them to do it so they're bound by the order of the court. If later on we discover they're not respecting the obligations they've taken, we can go back to the court and get other orders to force them to comply."

Doucet would not say whether the Soniers will be paid damages. He said the points in the consent order are the “public interest matters” of the settlement and he was not able to comment on “other matters.”

Michaud also declined to comment on any payment of damages.

“That’s a private arrangement that has been arrived at,” he said, noting the consent order does not award legal costs.

Under the consent order signed by Justice Zoël Dionne on Nov. 20, the defendants must:

- Review policies and procedures to ensure that New Brunswickers from both linguistic communities have access to an ambulance service of equal quality in their language.
- Determine the number of bilingual paramedics required and adopt a ‘rigorous’ hiring plan to fill the needs as soon as possible.
- Specify the language requirements in the job postings.
- Educate employees about their obligations under the Charter of Rights and the Official Languages Act.
- Report annually in its annual report and in a letter to the Office of the Commissioner of Official Languages on progress they’re making.

The government has committed to providing Ambulance NB with the necessary budget to meet the bilingualism obligations.

It will also establish, with the agency, standards on the level of French or English that must be achieved by paramedics to be considered bilingual.

These language skills should be evaluated regularly, the consent order states.

Michaud said recruitment of bilingual paramedics has been a challenge and “creative ways” to address it may be needed, such as salary incentives for bilingual employees like those offered in the federal civil service.

Training existing paramedics should be priority

Chris Hood, executive director of the Paramedics Association of New Brunswick, said the organization “fundamentally” supports New Brunswickers’ right to be served in the language of their choice, but he said he was “perplexed a little bit” about the implications of the settlement.

He said he questioned the use of the word “rigorous” to describe hiring strategies. “What does that mean? Does that mean they’re going to try to lower standards?”

He said it takes 12 to 15 months to train paramedics and that doesn’t include language training.

‘The current model they use for training paramedics in a second language is weak at best.’
– *Chris Hood, paramedics association*

He said there are separate training programs in English and in French, but there should be a bilingual program to attract trainees who already speak both languages.

“You should come in with the language issue addressed, you should come in with bilingual capacity. Then you could focus on your pure paramedic education.”

Hood said the commitment in the settlement to provide resources to meet the bilingual requirement should mean improved second-language training for existing, unilingual paramedics.

“The current model they use for training paramedics in a second language is weak at best,” he said, and many who get the training don’t get many opportunities to practise and retain what they learn.

Scheduling changes made a year ago

Ambulance New Brunswick had previously acknowledged it didn’t meet its legal obligations in the Sonier case.

But the case remained in court to determine if the Soniers were entitled to a legal remedy, and if Ambulance New Brunswick’s bilingual services plan met the requirements of the Official Languages Act.

That plan included a new scheduling system, implemented in late 2015, which would ensure at least one member of a two-person crew was bilingual.

The system saw bilingual part-time and casual employees called in to work open shifts first, followed by bilingual full-timers on overtime, ahead of unilingual part-timers and casuals.

<http://www.cbc.ca/news/canada/new-brunswick/ambulance-new-brunswick-lawsuit-sonier-bilingual-1.4431599>

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