

**1984 - 1994**

*10 years of Official Languages in the NWT*

**3rd ANNUAL REPORT**

FOR THE PERIOD APRIL 1, 1994, TO MARCH 31, 1995

**LANGUAGES COMMISSIONER OF THE NWT**



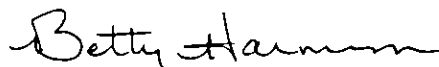
November 1995

THE HONOURABLE SPEAKER,  
LEGISLATIVE ASSEMBLY,  
YELLOWKNIFE,  
NORTHWEST TERRITORIES.

Honourable Speaker:

Pursuant to Section 23 of the *Official Languages Act*, I hereby submit to the Legislative Assembly, for consideration, the Annual Report of the Languages Commissioner of the NWT, covering the fiscal year 1994-95.

Yours respectfully,



Betty Harnum  
Languages Commissioner of the Northwest Territories

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## Highlights

### Facts

June 28, 1994 was the tenth anniversary of the adoption of the *Official Languages Act* in the NWT.

A new administrative protocol was adopted by the Languages Commissioner and the Official Languages Unit, GNWT Executive, in September 1994, and detailed guidelines for the Languages Commissioner's investigations were printed and published in November 1994.

In November 1994, the Standing Committee on Agencies, Boards and Commissions became formally responsible for reviewing the Languages Commissioner's Annual Reports and the Official Language activities of government bodies. In 1994-95, the Languages Commissioner, the Premier and the Official Languages Unit, GNWT Executive, appeared twice before this committee.

For the first time, in November 1994, the Legislative Assembly formally adopted recommendations made by the Languages Commissioner, as well as some related recommendations made by the ABC Committee.

In December 1994, the GNWT Official Languages Unit, the GNWT Department of Justice and the Languages Commissioner jointly released and distributed a brochure on the *Official Languages Act* as the first major public information initiative about the Act.

In January 1995, for the first time, the Languages Commissioner, rather than the Speaker, appeared before the Standing Committee on Finance to review the Languages Commissioner's budget, in recognition of the independent nature of this office.

A new Canada-NWT Cooperation Agreement on French and Aboriginal Languages in the NWT was signed between GNWT and Canadian Heritage, in February 1995, for the three year period 1994-95 to 1996-97. Funding was cut by about 38%, from over \$30 million in the last agreement to \$18 million in the new agreement.

Funding cuts were not applied evenly to all programs and services, and concern arose over how these decisions were made. Communities and organizations demanded more control over the decisions about how Official Languages funding is allocated and spent. The Languages Commissioner proposed a co-management committee, involving non-government bodies in this decision-making process, but the Assembly had not yet responded to this idea as of March 31, 1995. The Languages Commissioner continued to consult with groups representing each Official Language, and initiated and chaired the first meeting of Francophone and Inuit organizations in Iqaluit in February, 1995, to discuss an *Official Languages Act* for Nunavut.

The GNWT's Handbook on Official Languages, which the Legislative Assembly directed them to complete by December 31, 1994, was still not released by March 31, 1995.

The Languages Commissioner made submissions to the Standing Committee on Legislation about the proposed *Access to Information & Protection of Privacy Act*, and the proposal for an NWT Ombudsman, since both of these developments would have some impact on the Office of the Languages Commissioner. The language provisions in the proposed new *Education Act* were also examined in detail and discussed with many groups.

The Languages Commissioner and the GNWT Department of Justice cooperated with the Commissioner of Official Languages of Canada on a national study of Official Languages in the justice system. The report is anticipated in 1995-96.

More highlights next page

## Complaints and Inquiries

The number of cases received by the office has steadily increased over the last three years - 276, 288 and 368 cases respectively, for a total of 932.

Since not all cases received are completed the same year, the ongoing case load has increased from 276 in the first year, to 377 last year and 445 in 1994-95.

Despite the increase in the case load, the percentage of cases completed has risen from 68%, to 80% to 85% over the last three years.

The number of inquiries has increased, while the number of complaints has decreased over the years.

Three quarters of the inquiries are completed within one month, and 95% within six months.

One third of the complaints are completed within one month, about 70% within one year, and about 30% take more than a year to complete.

The number of complaints completed and found to be valid is down from last year, but many complaint files were ongoing as of March 31, 1995, awaiting the issuance of the Official Languages Handbook.



Tessa Macintosh/GNWT

## Remarks of the Languages Commissioner, Betty Harnum

**O**n June 28, 1994, the NWT witnessed the tenth anniversary of the adoption of the *Official Languages Act* in the NWT. It was a time to reflect on the progress made in ten years, and to assess the ongoing needs of each language group. I want to acknowledge the significant financial contributions made by Canadian Heritage, formerly Secretary of State, and the Government of the NWT, because without funding many of these language initiatives would not have been possible. Indeed, there are many accomplishments of which the NWT can be proud, but there are still many challenges. At this point, I think it is important that we all assess the effectiveness of our efforts and keep an open mind for new ideas. We have tried, in our own office, to be innovative in finding solutions to problems, and do feel that some positive changes have resulted.

But we are not the only players in this field. The major responsibility of the Languages Commissioner is to deal with complaints about Official Languages, so a report of this nature does not adequately describe the successes and valuable contributions of all the dedicated individuals who are involved in language initiatives across the NWT. It is, in fact, through the personal commitment of these individuals, that real success is achieved. I do not want the work of these individuals to be undermined by any criticism contained in this report, but rather, I hope that the information presented here will only help to strengthen their efforts. I want these dedicated individuals to know that I have a great deal of respect for their expertise and experience, and I encourage them to continue their important work.

This is my third Annual Report as NWT Languages Commissioner. As required by the *Official Languages Act*, the report describes the activities of the Office of the Languages Commissioner, including information about staff, budget and travel, as well as a statistical analysis of complaints and inquiries, with some examples of complaints resolved during the year.

In 1994-95, an important development took place regarding NWT Official Languages. For the first time, a Committee of the Legislature, the Standing Committee on Agencies, Boards and Commissions (ABC), became formally responsible for reviewing the Languages Commissioner's reports and Official Languages activities. I appeared twice in 1994-95 before this Committee, along with the Premier, and the Official Languages Unit, GNWT Executive, and once with the Speaker as well.

After reviewing my recommendations and the activities of the government bodies involved, the Standing Committee reported to the Legislative Assembly, and the Assembly, in turn, adopted,

rejected or delayed their response to the recommendations. As part of this report, I have provided an update on activities related to the implementation of these recommendations. The update will, hopefully, allow the ABC Committee and the Assembly to decide whether or not the actions taken by the institutions of the Legislative Assembly and GNWT to implement these recommendations are adequate.

The ABC Committee and the Assembly told GNWT to complete their Official Languages Handbook, providing guidelines for implementing the *Official Languages Act*, by December 31, 1994. Many Members of the Assembly expressed concern that this work was still not completed by March 31, 1995. The Languages Commissioner shares their disappointment. The ABC Committee said that they would review many of my recommendations after they received this document, but to date, this has not been possible. (I will provide the Standing Committee with a separate update on activities which have occurred since March 31, 1995 when they meet to review this report.)

Another development in 1994-95 was that, as recommended by the Standing Committee on Finance in their review of the 1994-95 Main Estimates, and as endorsed by the ABC Committee and the Legislative Assembly, I appeared in January, 1995 before the Finance Committee for the annual review of the budget. Previously, the Speaker defended all activities under the Legislative Assembly budget, but this new arrangement better recognizes the independent nature of the Languages Commissioner's office.

As in the last two years, this report contains recommendations for consideration by the Legislative Assembly. Some of these recommendations relate to the future of the Office of the Languages Commissioner, because my four year term will expire during the 1995-96 year (January 31, 1996) and because division of the Territories and major political developments will occur during the term of the next Languages Commissioner. Also, in November, 1994, the Legislative Assembly adopted the ABC Committee recommendation that the next Languages Commissioner be on contract, so Members may have to re-examine the provisions of the *Official Languages Act* governing the Languages Commissioner.

In last year's report, we presented detailed investigation guidelines for complaints and inquiries. This year, the Languages Commissioner and the Official Languages Unit, in the Premier's office, revised their administrative protocol regarding the Languages Commissioner's requests for information. We have found that the clarification of these procedures has facilitated a better understanding of the role of this office,

and has contributed to a better working relationship between the Languages Commissioner's office and the institutions of the Legislative Assembly and GNWT.

In the last three years, the number of cases received by this office has steadily increased, from 276 in 1992-93, to 288 in 1993-94 and 368 in 1994-95. Despite this increase, our rate of completing cases has continued to rise - 68%, 80% and 85% over the last three years. This increase may, in part, be due to the fact that the task of establishing the Office is now almost complete. Job descriptions, operational procedures, computer systems for case management and statistical analysis, and a method for producing an Annual Report, are all in place.

Also, a more efficient resolution of issues has been made possible by the valuable assistance we have received from experts in the fields of ombudsmanship and linguistic rights. The Office of the Commissioner of Official Languages in Ottawa, the Institut Joseph-Dubuc in Winnipeg, the Ombudsman offices in each province, the International Ombudsman Institute in Edmonton, the Canadian Centre for Linguistic Rights in Ottawa, have all been particularly helpful. In addition, clearer relationships have been established with the Legislative Assembly and two Standing Committees, with most government institutions, and with groups and individuals representative of each Official Language, so that there is now less delay in addressing procedural questions.

Another activity undertaken by this office was to make presentations to the Standing Committee on Legislation regarding the proposed *Access to Information and Protection of Privacy Act* and the *Ombudsman Act*, since these bills had implications for the Office of the Languages Commissioner. I worked, too, on a submission to this Committee on the proposed new *Education Act*. All of these initiatives relate to the duty of the Languages Commissioner to monitor and deal with complaints about the provisions in other Acts and regulations relating to the status and use of Official Languages. In this regard, I feel that the government institutions are not as aware as they should be about such provisions in other legislative instruments, and that a comprehensive planning process for implementing Official Languages can only be undertaken with all of these other provisions in mind. All of these other provisions must be executed in a way that is consistent with the *Official Languages Act*, although some of them came into effect before the current *Official Languages Act* was adopted.

In order to increase awareness about Official Languages, we have spent considerable time over the past three years preparing and distributing promotional information. During the 1994-95 fiscal year, this office, the GNWT Official Languages Unit and Department of Justice finalized and published a booklet explaining the *Official Languages Act*, in all Official Languages

and distributed hundreds of copies. I did numerous interviews with the media, and made several presentations at conferences and workshops, so that there is now, hopefully, a better awareness and understanding of linguistic rights in the NWT.

During the last three years, I have tried to encourage linguistic groups to work together. As a result of this, I initiated and chaired the first meeting of Inuit and Francophone organizations in Iqaluit in February, 1995, and have encouraged the cooperation of the Metis, Dene language speakers and Francophones in a study of the Michif language in the NWT. Under the Canada-NWT Cooperation Agreement for French and Aboriginal Languages in the NWT, there is a provision for projects under an "Appendix C", which would involve more than one Official Language. To date, no projects have been undertaken under this Appendix, but the cooperation of linguistic groups could see the development of such projects.

We also cooperated with the Office of the Commissioner of Official Languages of Canada in a study of Official Languages and justice. We worked together with staff from the GNWT Department of Justice to arrange meetings in Yellowknife in January. We are awaiting the report on this study, which will shed some light on current issues. Our thanks to everyone involved.

One of our main concerns this year has been the reduction in funding to the NWT from Canadian Heritage under the Canada-NWT Cooperation Agreement for French and Aboriginal Languages. In March 1995, I did a special report to Members of the Assembly on some of the effects of these cuts and revised allocations. Some changes have been necessary to ensure that financial and, especially, human resources are allocated to the activities that best ensure the preservation, development and enhancement of the Official Languages of the NWT. I have tried to monitor these changes to ensure that people's rights are not denied or infringed, and that adequate resources are allocated to the programs and services which are priorities to the speakers of Official Languages.

Although the ideas of an Advisory Council for the Languages Commissioner and a co-management committee to oversee Official Languages funding have both been rejected by the Legislative Assembly in the last two years, the communities are still expressing the need for a decision-making role in the planning and allocation of language funds. They feel that the GNWT should not have complete control over such decisions. There are many choices to be made about the ways in which government institutions provide language programs and services, and they feel that they are in the best position to make some of these decisions.

This presents a real challenge for government and communities,

especially with many changes on the horizon. With new members in the Legislative Assembly, division of the Territories, major budget cuts, the establishment of an office for a Commissioner under the *Access to Information and Protection of Privacy Act*, the development of self-government structures, an increase in community transfers, privatization and contracting-out, important impacts on Official Languages implementation and the role of the Languages Commissioner's Office can be expected. Speakers of Official Languages and their respective organizations will have to be vigilant in following these processes to ensure that their interests are well represented.

This is my last Annual Report as the current Languages Commissioner, since my term ends before the end of the next fiscal year. I want to thank the past and present Members of the Legislative Assembly for their confidence in naming me as the first Languages Commissioner of the NWT. I hope that the office has developed in the way that was foreseen by the Members of the Assembly who first adopted the *Official Languages Act* in 1984, and who significantly amended it in 1990 to include a provision for a Languages Commissioner. I have taken the advice and ideas of Members of the Assembly, government employees, groups and individuals seriously while trying to maintain the independence of the office and carry out the intent of the *Official Languages Act* as I understand it. I

appreciate their attention to and concern about Official Languages issues.

A special thanks, too, to our legal counsel, the staff of the Legislative Assembly, the institutions of the Legislative Assembly and GNWT, organizations and groups, and the public for their cooperation and hard work. Further, the accomplishments of this office would not have been possible without the dedicated, caring assistance of all the staff and contractors who have worked so hard to carry out this difficult and challenging mandate. I owe a debt of gratitude especially to Benoît Boutin, Gwen Ohokak, Margaret Mercredi, and Laurie Moroz, as well as to all the other individuals who have worked for this office.

I want to encourage the speakers of all Official Languages to be diligent in their own struggle to keep their languages alive. It is a difficult task, but with perseverance, it is possible. I will continue to do my part and hope that I have contributed, if even in a small way, to the success of this endeavour.

Respectfully submitted,



Betty Harnum  
Languages Commissioner of the NWT



Tessa Macintosh/GNWT



# CHAPTER 1 THE OFFICE OF THE NWT LANGUAGES COMMISSIONER

## I STAFF

**T**here are three positions in the Office of the Languages Commissioner - the Languages Commissioner, a Researcher/Writer, and an Executive Secretary/Administrative Assistant. During 1994-95, a new employee was hired to fill this last position, as the previous Secretary moved away. Several casuals and contractors were engaged for projects such as the production and distribution of the Annual Report and the brochure on the *Official Languages Act*. A call for proposals was issued to find a contractor to establish a relational database, which should

enable the office to better manage the growing case load of complaints and inquiries, and cross-reference related cases for future use. A two year contract was also signed with a legal counsel firm.

The four year term of the current Languages Commissioner will end January 31, 1996, and it will then be up to the newly elected Legislative Assembly to decide whether or not there will be any changes in this office. Since division of the Territories occurs during the term of the next Languages Commissioner, some changes can be expected.

## II BUDGET

At the end of 1994-95, 7% of the budget remained unspent. In the past two years, there was a small over-expenditure - 4.5% in 1992-93 and 2% in 1993-94. Fiscal accountability is achieved by having the finance and administration section of the Legislative Assembly review and process all expenditures. As of January 1995, the Languages Commissioner also appears before the Standing Committee on Finance to defend her budget. Previously, the Speaker appeared before this Committee to defend all aspects of the Legislative Assembly budget, but this new arrangement better recognizes the independent nature of this office.

Funds were lapsed this year because there were delays in receiving a new computer, and in finalizing the contract to establish an improved database, which was done in April instead of March.

**Figure 1: Budget 1994-95**

	Allocation	Expenditure	Balance
<b>Salaries &amp; wages</b>			
Permanent salaries	\$206,000	\$191,387	\$14,613
Casual wages	\$16,000	\$29,617	(\$13,617)*
<b>TOTAL</b>	<b>\$222,000</b>	<b>\$221,004</b>	<b>\$996</b>
<b>O &amp; M</b>			
Travel and transportation	\$27,000	\$16,868	\$10,132
Materials and supplies	\$10,000	\$9,647	\$353
Purchased services	\$5,000	\$12,592	(\$7,592)
Contract services	\$89,000	\$64,799	\$24,201
Fees and payments	\$0	\$887	(\$887)
Other expenses	\$0	\$3,617	(\$3,617)**
<b>TOTAL</b>	<b>\$131,000</b>	<b>\$108,409</b>	<b>\$22,591</b>
<b>Task as a whole</b>	<b>\$353,000</b>	<b>\$329,413</b>	<b>\$23,587</b>

\* The over-expenditure in casual dollars is offset by an under-expenditure of salary dollars.

\*\* A new laser printer.

Source : Legislative Assembly Financial Report.

## III TRAVEL

The following trips were made by the Languages Commissioner and her staff in 1994-95.

<p><b>Languages Commissioner:</b>                  (In NWT) Iqaluit, Iqaluit/Cape Dorset/Rankin Inlet, Kakisa, Łúts'él K'é, Fort Smith.                  (Outside NWT) Victoria/Edmonton, Edmonton*, Ottawa*</p> <p><b>Staff:</b>                  (In NWT) Cambridge Bay, Iqaluit/Cape Dorset/Rankin Inlet                  (Outside NWT) Victoria/Edmonton</p>
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\* These trips were made as a result of invitations for the Languages Commissioner to participate in national initiatives. See below for further details.

Trips to communities involved presentations, complaints investigations and consultations with groups representative of Official Languages. Because of the number of communities to be consulted, the Languages Commissioner met with a number of groups in Yellowknife and at regional meetings, such as the Deh Cho Tribal and Regional Council Meeting in Kakisa, the Dene National Assembly in Łúts'él K'é, and the Annual General Meeting of la Fédération Franco-Ténoise, hosted by the Iqaluit Francophone Association.

At this last meeting, in February 1995, the Languages Commissioner chaired a session, which she had requested, involving representatives of Inuit and Francophone organizations in the NWT. This was the first time that these

groups had formally met, and the Languages Commissioner encouraged them to begin discussing the linguistic needs of Nunavut residents and to consider what type of *Official Languages Act* they might want for Nunavut.

En route to Iqaluit, the Languages Commissioner and her Researcher/Writer stopped at Cape Dorset and Rankin Inlet to meet with some of the people in charge of language services and programs, and to do radio phone-in shows and presentations to students in the schools. The Languages Commissioner also attended the international Inuit Studies Conference in Iqaluit in June, 1994, during which she made a presentation about the *Official Languages Act* and its implementation, chaired another session on Inuktitut linguistics and sponsored a coffee break for all delegates to distribute materials and answer questions about NWT Official Languages.

The Executive Secretary attended the Annual General Meeting of the NWT Literacy Council in Cambridge Bay, in June, 1994, and held a contest involving Inuinnaqtun.

The Languages Commissioner and her Researcher/Writer also travelled to the National Ombudsman Conference in Victoria, where they met with other ombudspersons and their staff to share ideas and identify similar problems and solutions. This network is extremely important to the work of the Languages Commissioner's Office, and to future ombudspersons to be appointed under the *Access to Information and Protection of Privacy Act*, and, perhaps, under an NWT Ombudsman Act. On this trip, meetings were also held with the Edmonton offices of the Commissioner of Official Languages and the Auditor General.

As in past years, the Languages Commissioner was invited several times to participate in activities outside the NWT. Expenses for such trips are covered by those issuing the invitation. In 1994-95, the Languages Commissioner accepted two such invitations to provide input from the NWT to national initiatives.

First, in September, she made a presentation at the Ottawa conference of the Canadian Institute for the Administration of Justice about communication problems in the courts. Her address dealt with the recent TRAN decision of the Supreme Court of Canada, in which they interpreted, for the first time, the right to the assistance of an interpreter in court proceedings under Section 14 of the *Charter*. Some of the problems identified by the Supreme Court were dramatized at this conference in a short skit, written by the Languages Commissioner. The presentation and the play were subsequently broadcast nationally, numerous times, on the Parliamentary channel, and are available on video tape. Special thanks go to the Canadian Institute for the Administration of Justice, Deborah Meldazy, those who helped with this presentation and to the GNWT Department of Justice, Inuit Tapirisat of Canada and Nunavut Tunngavik in Ottawa for allowing their staff to participate.

During this trip to Ottawa, the Languages Commissioner also took the opportunity of meeting with some of the officials in the Office of the Commissioner of Official Languages to discuss common concerns and how the NWT could assist with their national study of Official Languages in the justice system.

In addition, the Languages Commissioner and several other NWT delegates attended a workshop held in Edmonton to establish a national Youth Justice Education Project, sponsored by the Federal Department of Justice. The purpose was to establish a network of skilled individuals who can assist with the task of getting information about the law, rights and the justice system to youth, in the appropriate language, in each part of Canada. The group of NWT delegates has continued to meet to share information from time to time. On this same trip, the Languages Commissioner did some research at the International Ombudsman Institute and met with a group of individuals involved in legal interpreter training in Alberta to exchange ideas.

#### IV OBJECTIVES AND ACCOMPLISHMENTS

This section describes the actions taken by this office to meet the structural (ongoing) objectives established by the NWT *Official Languages Act*, and the definitive (short term) objectives as stated in the Main Estimates.

##### Structural Objectives

The duties of the Languages Commissioner are set out in the NWT *Official Languages Act*. Activities related to each duty are described briefly below.

**1 To take all actions and measures within her authority to ensure that institutions of the Legislative Assembly and Government of the NWT recognize the spirit, intent and provisions of the *Official Languages Act*;**

This was accomplished by such activities as: distributing information about the *Official Languages Act*, monitoring certain practices of these institutions, reviewing reports, policies and other guidelines, requesting information, assessing the

allocation of human and financial resources, evaluating decisions, and offering suggestions about implementation. These activities are described in greater detail throughout this report.

**2 To investigate any reasonable complaint that the Official Languages Act or any provision of any other Act or regulation relating to the status and use of Official Languages has not been respected;**

This was accomplished by researching the details of complaints, requesting legal opinions, as required, on the interpretation of the *Official Languages Act*, determining whether the provisions of other Acts and regulations apply, gathering information on how the institution deals with similar situations, assessing the effectiveness of measures taken to implement the legislation, and ensuring that problems are resolved. Complaints are described in Chapter 2. Investigation procedures are outlined in Appendix 1.

The Languages Commissioner also made two presentations to the Standing Committee on Legislation, to ensure that they were aware of people's concerns about how two proposed Acts might affect language rights and the Languages Commissioner's Office. She also continued to monitor the development of the new *Education Act* because of concerns that were expressed about the proposed changes to the language provisions.

**3 To make any necessary reports and recommendations to government institutions or the Legislative Assembly about situations that require corrective action;**

This was accomplished by meeting with or writing to the individuals responsible for the program or service in question, describing the problem, identifying the officials with the authority to effect the necessary changes, recommending courses of action, requesting responses from institutions indicating what actions they planned to take, ensuring these actions were taken, and reporting to the Premier, the Legislative Assembly or its Committees about situations that were not satisfactorily resolved. A follow-up was then done on recommendations which were made by the Languages Commissioner, the Legislative Assembly or one of its Committees. An update is provided on such recommendations later in this report.

**4 To solicit the advice of organizations that represent each Official Language;**

This was accomplished by identifying groups with the appropriate mandate, requesting to meet with these groups or accepting invitations, bringing to their attention issues that

might affect the languages in their communities, requesting their comments on these issues or providing comments to them, encouraging cooperation between linguistic groups, and developing an approach to problem-solving that was, whenever possible, acceptable to all the representative groups.

**5 To prepare and submit an annual report to the Legislative Assembly.**

This Annual Report fulfills this objective. Each year, several months are devoted to preparing the report, in addition to managing the daily operations of the office.

**Definitive Objectives**

**Initiative 1**

**To monitor the Canada-NWT Cooperation Agreement on French and Aboriginal Languages (the last agreement expired on March 31st, 1994);**

Because of the expiration of the Canada-NWT Cooperation Agreement for French and Aboriginal Languages in the NWT on March 31st, 1994, the Languages Commissioner decided to monitor the situation in 1994-95. (The Languages Commissioner is not in any way involved in the negotiations or administration of these agreements). Another three-year agreement was not signed until the end of February, 1995. The GNWT negotiated with the federal government to try to minimize cuts, but in the end, funding was decreased by about 38% (from over \$30 million in the last agreement to \$18 million in the new one).

One of the major effects of this delay in signing was the uncertainty for employees of programs funded under this agreement. Many of these individuals were unsure whether or not their jobs and programs would continue after each three month period for which GNWT approved interim financing. This, in some cases, had a negative effect on staff morale. It was also difficult for managers to plan activities and expenditures without having the required information about allocations. The public, too, was unsure which programs and services would be cut or reduced, partly because they did not know which ones were funded under this agreement and which were funded by the GNWT alone.

The Languages Commissioner closely monitored this process to ensure that the institutions of the Legislative Assembly and GNWT continued to meet their obligations under the *Official Languages Act* and other Acts and regulations relating to the status and use of Official Languages. In September 1994, the Languages Commissioner informed Members of the Assembly about the proposed cuts, and in March 1995, she did a special

report for them with more specific details.

The Languages Commissioner cooperated with GNWT in their efforts to renew this agreement in a confidential manner, but did not know any of the details of the package until it was signed. Many groups and individuals, including program managers, have expressed concern about the fact that only a few individuals make the decisions and know the details of the funding that is being negotiated. Communities would like greater input into the decisions about how funding will be distributed, which programs and services should be maintained, and how government can best meet its obligations. GNWT has done some consultation to determine community priorities, but people still feel that often their ideas are not adequately reflected in the final decisions.

In response to this concern, in November 1994, the Languages Commissioner recommended the establishment of a co-management committee, involving GNWT and non-GNWT bodies, to oversee Official Languages spending. However, in December, when the ABC Committee reviewed the Languages Commissioner's second Annual Report, they did not react favourably to this idea, stating that they thought it might be too costly and that, because of cuts, there might be very little money available to be managed by such a group. In fact, there are still several million dollars involved and communities believe they can reduce administrative costs, rather than increase them. For the most part, they want to see a team approach to dealing with these issues, and, as stated in the independent evaluator's report of the 1991-94 Cooperation Agreement, tabled March 29, 1994, they want more «ownership» of Official Language activities. The final response of the ABC Committee to the Languages Commissioner's co-management recommendation was not yet available as of March 31, 1995.

The Languages Commissioner has stated in the past that the funding received from the federal government for Official Languages is not adequately reviewed by the Assembly. She recommended, therefore, that the final financial and activity reports from these agreements be tabled in the House in the future. Interestingly, the Auditor General made the same observation in 1994-95, about several such agreements. He points out that there are often numerous additional costs to the GNWT for administering this type of agreement, which are not usually considered. One such cost is the severance package paid to employees whose positions are funded under these federal monies, when they have to be laid off due to cuts.

#### **Initiative 2**

**To work with GNWT to establish guidelines for the implementation of the *Official Languages Act*;**

In November 1994, the Legislative Assembly adopted the

ABC Committee's report on the Languages Commissioner's first Annual Report. The ABC Committee suggested that a number of the Languages Commissioner's recommendations be addressed by the issuance of a handbook on Official Languages which GNWT had indicated they were preparing. The Committee and the Assembly instructed GNWT to produce the handbook by December 31st, 1994.

In December 1994, the Premier told the members of the ABC Committee that the handbook could not be ready for that date. The Languages Commissioner offered to assist in the drafting of these guidelines, but GNWT felt it would prefer to ask for comments after the draft was prepared. As of March 31, 1995, the Languages Commissioner had not been consulted and a draft handbook had not been completed. The Languages Commissioner will provide comments as soon as it is released. In the meantime, the Languages Commissioner has established her own criteria for evaluating the adequacy of measures taken to implement the provisions, spirit and intent of the *Official Languages Act*, and the provisions of other Acts and regulations relating to Official Languages.

#### **Initiative 3**

**To distribute the brochure about the *Official Languages Act* and the role of the Languages Commissioner;**

This project was initiated by the Languages Commissioner in January 1993. A final draft was agreed upon by this office, the Department of Justice and the Official Languages Unit in February 1994.

In December 1994, the Languages Commissioner and the Official Languages Unit of the Premier's Office distributed over 2,500 copies of the brochure - *The Languages of Our Land* - in all Official Languages. Both offices worked on the design and text and the Official Languages Unit managed the translation. Costs were also shared. This was the first time that GNWT had produced detailed public information about the *Official Languages Act*. The Languages Commissioner was pleased with this accomplishment, as she had recommended it in her first Annual Report. Due to this project, many individuals have contacted the Languages Commissioner for further information.

#### **Initiative 4**

**To commemorate the tenth anniversary of the adoption of the *NWT Official Languages Act* on June 28th;**

The Languages Commissioner announced and celebrated the tenth anniversary of the adoption of the *Official Languages Act* on June, 1994 by displaying materials in a Yellowknife shopping

mall, doing a morning interview on CBC Radio in Yellowknife, and doing a two-hour phone-in show on CBC Radio from Iqaluit. In March, 1995, the Languages Commissioner also announced a poster contest to encourage students to consider

the importance of languages in their lives. Winning posters will be used to celebrate Aboriginal Languages Month and French Week in March, 1996.

**VI OBJECTIVES FOR 1995-96**

Along with the ongoing objectives of this office, the following are the specific objectives for the next year:

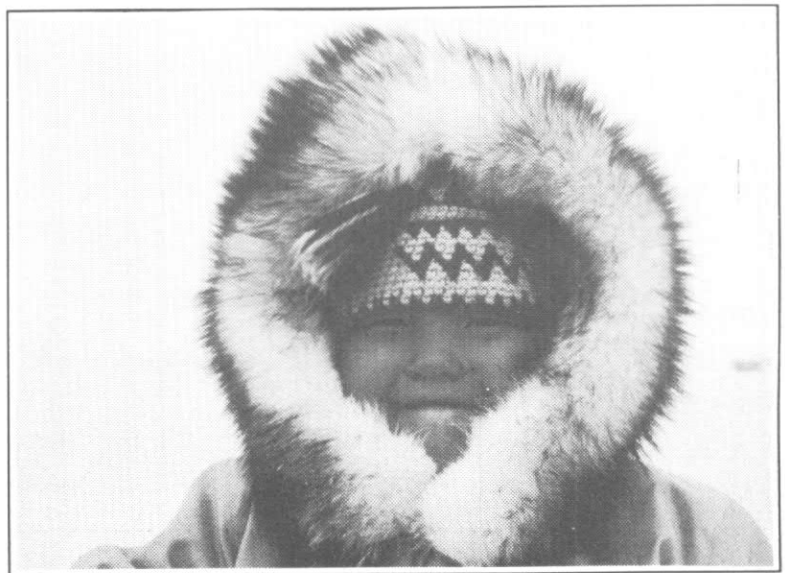
- 1) To complete the establishment of an adequate database system for complaints and inquiries management.
- 2) To assess Official Languages services in GNWT institutions (other than departments).

The office will move from the Cunningham Building to the second floor of the YK Centre in 1995. This will be time consuming, but no real delay in responding to inquiries and complaints is anticipated.

The term of the current Languages Commissioner ends January 31, 1996, part way through the next fiscal year, so it is difficult to anticipate what will occur in February and March.



Tessa Macintosh/GNWT



Tessa Macintosh/GNWT

# CHAPTER 2

# COMPLAINTS AND INQUIRIES

## INTRODUCTION

This chapter contains an analysis of the complaints and inquiries handled by the Languages Commissioner in the 1994-95 year. It focuses on an analysis of the case load - where the complaint or inquiry originates, what type of organizations or individuals have contacted the office, which department or agency was the subject of the complaint or inquiry, what type of issues were raised, and so on. Also, some examples of complaints resolved by the Languages Commissioner during the year are summarized.

Most of the figures relate to the «case load» in 1994-95, that is, all the new cases opened in 1994-95 plus all the cases that were unresolved on March 31, 1994. Some of the figures show comparisons between 1992-93, 1993-94 and 1994-95.

When the Languages Commissioner tabled her second annual report in November 1994, the detailed guidelines used by the

Commissioner for complaints investigations came into effect. A flow chart which summarizes the guidelines is included in Appendix 1.

There is also a Protocol for the Coordination of Responses to the Languages Commissioner's Requests for Information. The purpose of this protocol is to ensure an efficient, cooperative and timely method for institutions of the Legislative Assembly and GNWT to provide information to the NWT Languages Commissioner. These are administrative procedures only and should, in no way, be construed to be a method or a mechanism for investigations. A revised protocol was completed in September, 1994. The Languages Commissioner is pleased with the result, but feels there is still some confusion in departments and other institutions about which set of guidelines applies in each case. This will, however, probably become clearer in time as the number of cases in which these bodies are involved increases.

## ANALYSIS OF THE COMPLAINTS AND INQUIRIES 1994-95

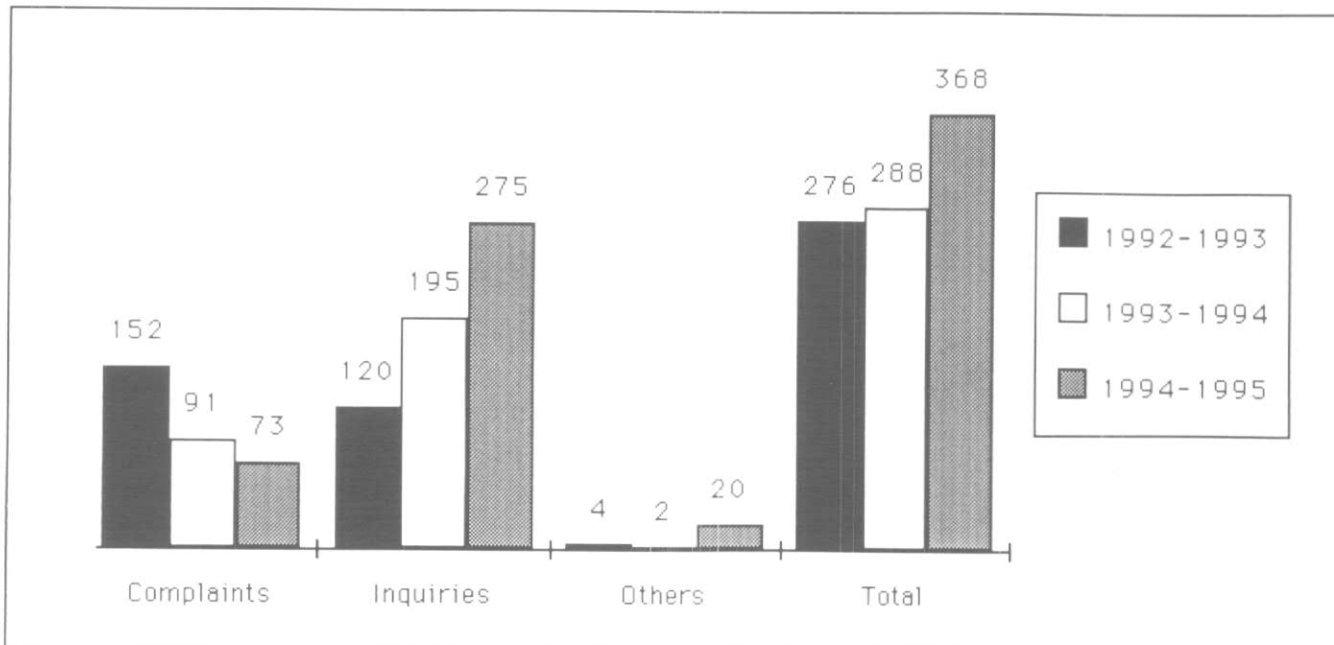
### How many complaints and inquiries were received?

Figure 2 shows the total number of complaints and inquiries received in each year - 276 files were opened in 1992-93, 288 in 1993-94 and 368 in 1994-95, for a total of 932 files. The number of cases received is in constant increase since the first year of operation of the office. Also, since some cases take

more than a year to resolve, the accumulated annual case load has increased from 276, to 377, to 445 over the last three years (Figure 3).

In Figure 2, the category «others» includes such things as the Languages Commissioner's own initiatives, which are undertaken when the Languages Commissioner herself feels

**Figure 2**  
**Complaints, Inquiries, and Other Cases Received in 1992-93, 1993-94 and 1994-95**



**Figure 3**  
**Case Load in 1992-93, 1993-94 and 1994-95**

	Ongoing from previous year	Cases received	Case load	Cases closed	Cases ongoing	% of case load completed
1992-1993	0	276	276	187	89	68
1993-1994	89	288	377	301	76	80
1994-1995	77	368	445	380	65	85

that some matter should be addressed. It also includes such things as requests for a letter of support for a specific project.

**How many cases were resolved?**

Despite the constant increase in the case load, more cases have been closed this year and the percentage of the case load completed continues to rise over the years. In 1994-95, 85% of the case load was completed, compared to 68% and 80% in previous years (See Figure 3).

It was stated last year that 76 cases were ongoing at the end of the year, but internal verification shifted one completed case to the ongoing cases. This explains why our case load this year began with 77 cases ongoing from the previous year and not 76.

**How quickly were cases completed?**

Figure 4 shows the length of time it takes to complete a case received by this office. Complaints almost always take longer to deal with than inquiries. For example, 77% of the inquiries were completed within one month, while only 34% of the complaints were. About 98% of the inquiries are completed within a year, but only about 70% of the complaints. Some complaints take more than a year to complete, because a lot of information has to be gathered, legal opinions are usually required, and sometimes issues such as the Languages Commissioner's jurisdiction over the case, her authority to investigate, or the application of the *Official Languages Act* to the institution involved must first be addressed.

**Figure 4**  
**Length of Time to Complete a Case Case Load 1994-95**

	Complaints	Inquiries & Others
Within 1 month	34.0%	77.3%
1 to 6 months	20.2%	17.8%
6 months to 1 year	17.0%	3.1%
1 year and more	28.7%	1.7%

Cases that are "completed" include those that are resolved, referred to another authority, abandoned, or discontinued.

**How many cases are within the Languages Commissioner's jurisdiction?**

Figure 5 shows the percentage of cases dealt with in 1994-95 over which the Languages Commissioner had jurisdiction. Each contact with the office is recorded as a complaint or inquiry (which includes invitations), but many are classified as "outside jurisdiction".

Of the case load, 277 cases (62%) were within the Languages Commissioner's jurisdiction. This is about the same percentage as last year, and is also similar to the patterns experienced by other ombudsman-type offices. Of the inquiries, 46% were outside jurisdiction, while this occurred in only 21% of the complaints handled by the office.

This difference is partly due to the fact that many people contact the Languages Commissioner's Office, because they do not know who is responsible for providing certain information or services. The Languages Commissioner, in turn, refers them to the appropriate person. In this way, the office provides an important service - helping people identify who to contact for information or service, and how to address problems.

**Figure 5**  
**Jurisdiction over the 1994-95 Case Load by Complaints, Inquiries and Other Cases**

	Within jurisdiction	Outside jurisdiction	Total
Complaints	79%	21%	100%
Inquiries	54%	46%	100%
Others	76%	24%	100%
Total Cases	62%	38%	100%

Of the 167 cases outside jurisdiction, 90 were referred to another institution and/or assistance was provided, 21 cases were abandoned or discontinued, and 52 were resolved because the Languages Commissioner provided the information required, as it took very little effort and saved time. In these cases, the Languages Commissioner usually informs the person of whom to contact in the future for similar information. One example is the recurring request for language learning materials. Since the GNWT has very few materials available, the Languages Commissioner will provide materials she has collected. This has been brought to the attention of the GNWT, but people still often express their frustration at not being able to find anyone in GNWT or their institutions who can help.

#### Where did the complaints and inquiries come from?

Figure 6.1 and Figure 6.2 show what percentage of the cases came from each region and each community in 1992-93, 1993-94-

**Figure 6.1**  
**Origin of the Cases Received by Region - 1992-93, 1993-94 and 1994-95**

	%1992-93	%1993-94	%1994-95	%Population
Delta region	10.9	3.1	4.4	14.7
Fort Smith region	9.4	8.3	11.4	21.5
Yellowknife	42.4	51.4	47.4	26.3
Baffin region	14.9	9.7	10.9	19.7
Keewatin region	4.0	4.9	3.8	10.1
Kitikmeot	6.5	2.1	3.3	7.6
Outside NWT (Canada)	8.7	16.3	14.2	
Outside Canada	0.4	2.4	4.6	

94 and 1994-95. There are a number of factors that influence these numbers. First, some regions and communities have larger populations, so more cases will naturally originate there. Also, the Languages Commissioner's office is in Yellowknife, and the staff live in Yellowknife; this availability definitely affects these numbers. Cases which are «Languages Commissioner's own initiative» are also recorded as originating in Yellowknife, even if the matter deals with some other community.

As it occurred in the previous year, the number of cases originating from the Yellowknife region is significant. There were 174 cases or 47% of the case load which originated from the capital. Of these, 26 cases were Languages Commissioner's initiatives.

Out of the 174 cases originating from the capital, 88 originated from organizations which are located in Yellowknife, but which represent people in various regions. In fact, 41% of all the organizations that contacted the office are located in Yellowknife. Another 84 cases originating from Yellowknife are cases brought to the Languages Commissioner by employees of institutions of the Legislative Assembly and GNWT located in Yellowknife.

It is interesting to note that 19% of the case load originates from outside the NWT, which means that there is a high level of interest elsewhere in the language activities of the NWT. These inquiries come from universities, research centres, native organizations, journalists, other governments, and so on, outside the NWT, who have heard about the *Official Languages Act* and want to know its history or its provisions, or who want information about the languages

**Figure 6.2**  
**Origin of the Cases Received by Community - 1994-95 Case Load**

Fort Good Hope	0.5%	Fort Smith	1.4%	Iqaluit	8.2%
Inuvik	1.6%	Hay River	2.2%	Lake Harbour	0.3%
Norman Wells	0.3%	Hay River Reserve	0.3%	Pond Inlet	1.1%
Tuktoyaktuk	1.9%	Rae Edzo	1.1%	Coral Harbour	0.3%
Fort Smith region	0.3%	Rae Lake	0.8%	Rankin Inlet	3.5%
Dettah	0.5%	Łúts'el K'é	0.5%	Cambridge Bay	0.5%
Fort Liard	0.3%	Yellowknife	47.4%	Coppermine	1.6%
Fort Providence	0.5%	Arctic Bay	0.5%	Gjoa Haven	1.1%
Fort Resolution	1.9%	Cape Dorset	0.3%	Outside NWT (Canada)	14.2%
Fort Simpson	1.6%	Igloolik	0.5%	Outside Canada	4.6%
				<b>Total</b>	<b>100.0%</b>

themselves. Some of these requests even come from outside Canada.

**How many employees of government institutions contacted the Languages Commissioner?**

Figure 7 indicates that one quarter of the case load in 1994-95 came from employees of the institutions of the Legislative Assembly and Government of the NWT. This number is based on the Languages Commissioner's interpretation of each institution, since GNWT has not clearly identified to which institutions the *Official Languages Act* applies. When employees contact the office, the Languages Commissioner determines, as in all other cases, whether or not the matter is

within her jurisdiction.

In 1994-95, the percentage of cases coming from employees decreased slightly - 26%, as opposed to 30% last year. There is, perhaps, a better understanding of the mandate of the Languages Commissioner in dealing with complaints. Many of these cases, however, are simple inquiries about Official Languages in the NWT.

Out of the 291 cases from non-employees, 246 cases were from representatives of organizations and only 45 cases were from individuals.

The Languages Commissioner can also initiate complaints investigations herself, or initiate a request for certain information that she feels would be useful to her office. In 1994-95, the Languages Commissioner initiated 6% of the case load. The category «others» includes students, committees composed of government and non-government members, and other individuals who do not wish to identify themselves. This group only makes up 3% of the case load.

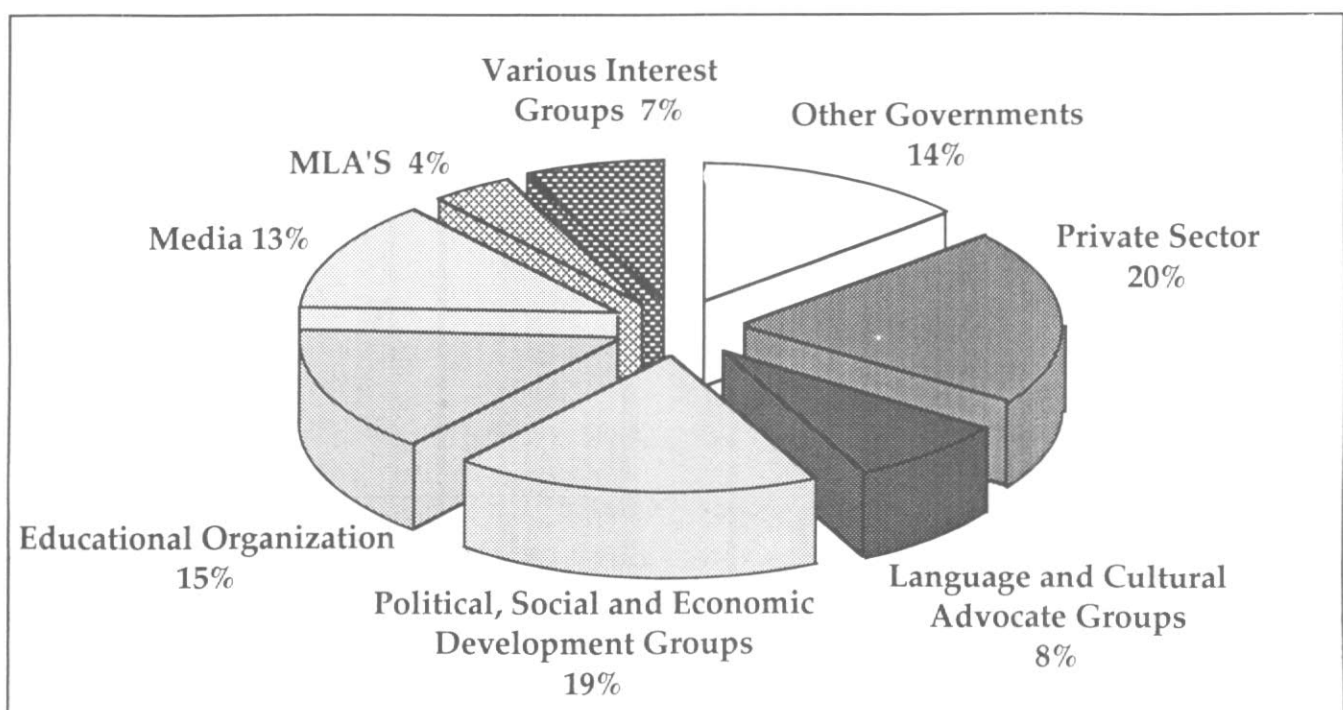
**Figure 7**  
**1994-95 Case Load from Employees**

	Percentage
Employees	25.6
Non employees	65.4
Languages Commissioner's Initiatives	5.8
Others	3.2
<b>Total</b>	<b>100%</b>

**What type of organizations contacted the Languages Commissioner?**

Figure 8 illustrates the type of organizations which contact the Languages Commissioner's office. It is impossible to compare the data from the current year to the data from the previous year

**Figure 8**  
**Type of Organization Which Contacted the Languages Commissioner - 1994-95 Case Load**



as a new classification and coding of the organizations has been done this year.

The private sector and political, social and economic development groups represent 40% of the contacts with the office. Educational organizations, other governments and the media also account for many cases. The number of groups identified solely as «language and cultural advocacy groups» is quite small, therefore, although they represent only 8% of the case load, it does not mean they are inactive.

About two-thirds of the cases from organizations were inside the Languages Commissioner's jurisdiction. The accuracy of organizations in this regard varies from one type to the other. Members of the Legislative Assembly, the media and political, social and economic development groups seem to understand

the Languages Commissioner's mandate better than various interest groups (65% of their cases were outside jurisdiction), the private sector (51% outside) and other governments (49%).

Of the cases originating from organizations, 63% were inquiries (including invitations to participate in a meeting), and 24 % complaints.

**How many complaints were received about each department or agency? How many of these were within the Languages Commissioner's jurisdiction?**

Figure 9 shows how many complaints of the 1994-95 case load relate to each department or agency. It is important to note that not all of these complaints are valid - that is, some of them were found to be misunderstandings, some were directed at the

**Figure 9**

**Languages Commissioner's Jurisdiction over Complaints by Department and Agency  
1994-95 Case Load**

	Number of complaints	Number within jurisdiction		Number of complaints	Number within jurisdiction
Education, Culture and Employment	29	23	Hay River Hospital	1	1
Arctic College	3	2	Social Services	2	2
Boards of Education	6	5	<b>Total Health &amp; Social Services</b>	<b>11</b>	<b>10</b>
Language Bureau	13	9	Legislative Assembly	5	5
Schools	5	4	Office of the Lan- guages Commissioner	7	7
Cultural Affairs	1	1	MACA	1	0
Museums, Libraries	1	1	Personnel	1	0
<b>Total ECEP</b>	<b>58</b>	<b>45</b>	Public Works & Government Services	3	3
Justice	7	6	Renewable Resources	1	1
Courts	5	4	Safety&Public Services	2	2
Correctional Institutions	1	1	Transportation	2	2
Legal Services Board	1	1	Housing Corporation	1	1
<b>Total Justice</b>	<b>14</b>	<b>12</b>	NWT Power Corporation	1	1
Official Languages Unit	7	6	WCB	2	1
Economic Development and Tourism	1	1	Whole GNWT	5	5
Finance	2	2	<b>Total GNWT</b>	<b>127</b>	<b>106</b>
FMBS	3	2	Federal Government	3	0
Health	1	1	Hamlet, Town	4	0
Regional Health Boards	2	1	<b>Total</b>	<b>134</b>	<b>106</b>
Stanton Hospital	3	3			
Iqaluit Hospital	2	2			

wrong department or institution, and so on.

A larger number of complaints does not necessarily indicate a more serious problem. Several departments and agencies have larger numbers of complaints simply because they play a major role in offering Official Languages services and programs or because they are a large department.

The head of the department or agency (Deputy Head), and the Official Languages Unit in the Premier's office may not be aware of some of these complaints, because the *Official Languages Act* states that the Languages Commissioner need only bring to their attention matters that, in her opinion, require their consideration and action. If the problem is resolved by the staff, there is no requirement for the Languages Commissioner to involve superiors. Also, some of these matters are still under investigation, so the Languages Commissioner may not have decided yet how to proceed.

Complaints about boards and their facilities are listed with the department. Courts are included in the justice sub-total, because these matters usually involve some administrative matter for which the department is responsible.

Figure 9 shows that of the 134 complaints of the case load, 106 were within the jurisdiction of the Languages Commissioner and 28 outside. Four of them involved more than one department.

**What were people complaining about?**

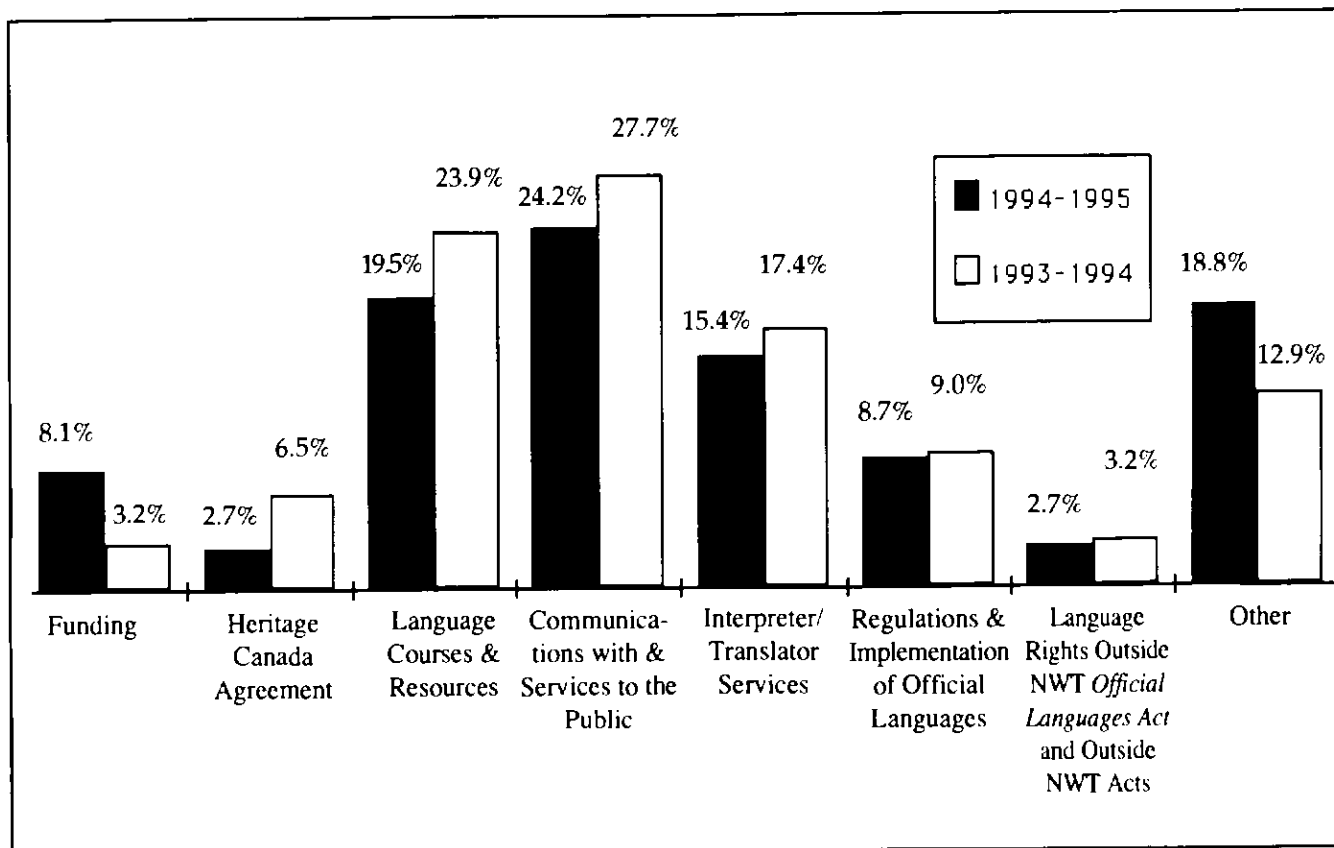
Figure 10 shows the subjects of the complaints. The categories used here are very broad, but the office maintains more detailed information about each case.

The distribution of complaints by subject did not change significantly. The two largest increases were in the category «Funding», probably due to budget cuts, and in the miscellaneous category «Other», including information on Official Languages, language of work, literacy, bilingual bonus, bilingual staffing, and contract services.

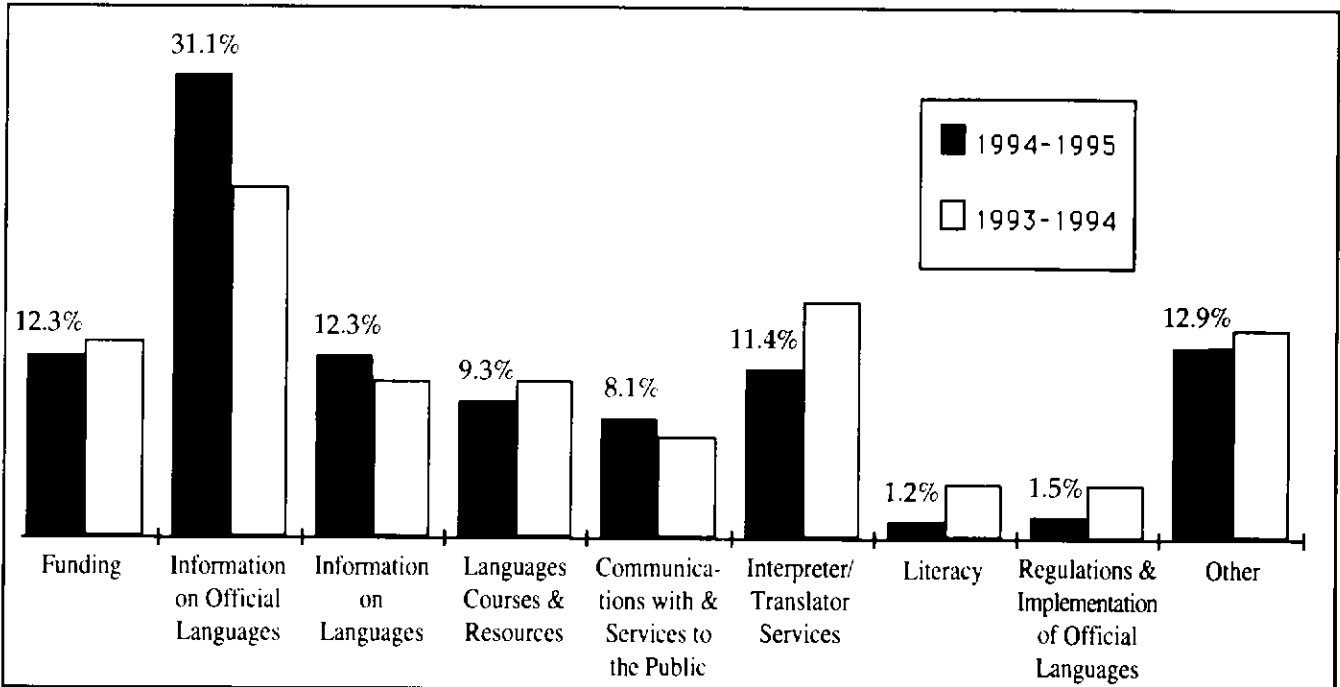
**What type of information did people want?**

As seen in Figure 11, the most frequent requests for information (31.1%) involve questions about the *Official Languages Act* itself - which languages are Official, what rights and obligations are contained in the Act, what role the Languages

**Figure 10**  
**Subjects of the Complaints - Case Load 1994-95**



**Figure 11**  
**Subjects of the Inquiries - Case Load 1994-95**



**Figure 12**  
**Languages Involved in Complaints and Inquiries - Case Load 1994-95**

	Complaints	Inquiries	Total
Chipewyan	5	7	12
Cree	1	5	6
Dogrib	6	14	20
Gwich'in	3	4	7
Inuinnaqtun	12	8	20
Inuktitut	26	58	84
Inuvialuktun	7	13	20
Natsilingmiut	0	2	2
North Slavey	0	4	4
South Slavey	9	12	21
Michif	3	4	7
All but Eng&Fr	3	20	23
All Dene	9	8	17
All Inuktitut	1	7	8
<b>Total Aborig.</b>	<b>85</b>	<b>166</b>	<b>251</b>
English	4	15	19
French	26	35	61
Eng&Fre	0	2	2
All Off Lang.	9	74	83
All but Eng	13	21	34
Other	0	5	5

Commissioner plays, and so on. This is the only category that increased significantly. Otherwise, the subjects of the inquiries are almost the same as last year.

**To which languages did the complaints and inquiries relate?**

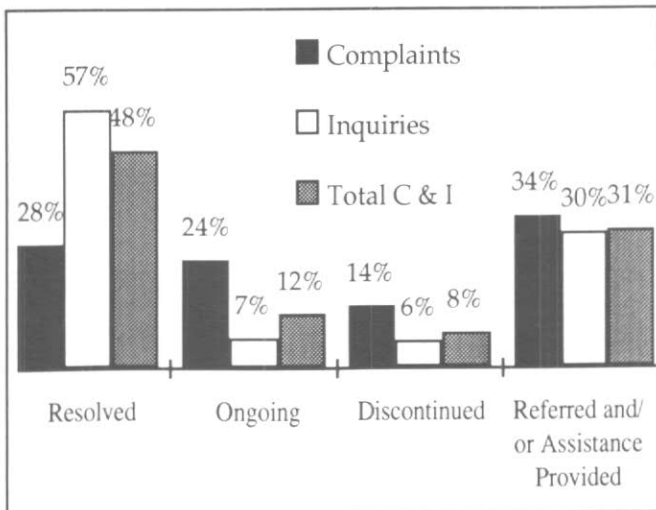
Figure 12 shows the number of complaints and inquiries that relate to each language in 1994-95. There are some minor changes, but again, the figures indicate that people are concerned about all of the Official Languages, and that there is no major change from last year.

**What was the outcome of the complaints and inquiries handled in 1994-95?**

Figure 13 shows the status of all the cases dealt with in 1994-95. An important aspect is the increase in the resolution of the complaints and the corresponding decrease in ongoing complaints. This year, 28% of the complaints were resolved compared to 19% last year. This year, more complaints were discontinued or abandoned (14% compared to 7% last year) and about one-third of the complaints were referred to other institutions as in 1993-94.

The percentage of resolved inquiries also increased from 45% in 1993-94, to 57% this year. Last year, 43% of the inquiries were referred elsewhere, while 30% were referred this year.

**Figure 13**  
**Status of the Complaints and Inquiries - Case Load 1994-95**



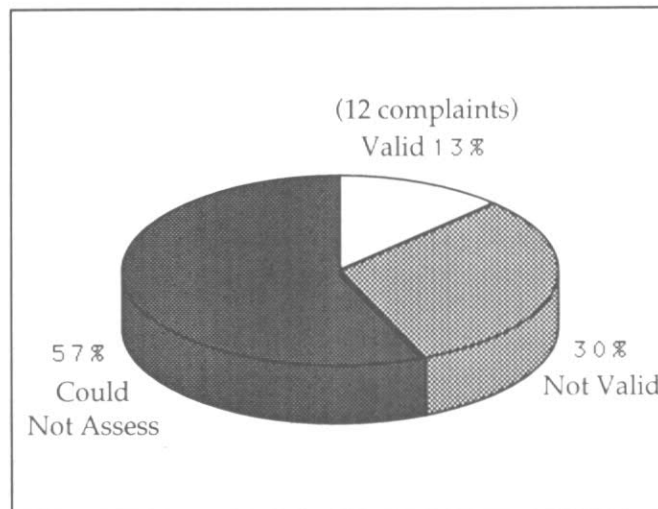
The cases related to «Communication with and Services to the Public» represent 32% of all the ongoing cases while they represent only 12 % of the case load. The cases related to «Interpreter/Translator Services» and «Regulations and Implementation of Official Languages» also represent a larger portion of the ongoing cases than of the case load. Many of these cases dealt with matters that should be addressed in the GNWT's Official Languages Handbook, but they could not be completed because the guidelines were not yet available as of March 31, 1995.

One quarter of the cases referred to another body had to do with funding, and many others related to language courses and resources.

**How many complaints were valid?**

Figure 14 shows that only 13% or 12 of the complaints that were completed in 1994-95 were valid. In these cases, the Languages Commissioner has investigated and has determined that some administrative error, oversight or unfairness occurred. The number of completed valid complaints decreased from last year.

**Figure 14**  
**Validity of the Completed Complaints Case Load 1994-95**



Again this year, this office could not assess the validity of 57% of the complaints. This occurs because some complaints are not within the Languages Commissioner's jurisdiction, and thus, are not investigated, or perhaps because the complainant withdraws or abandons the case.

**Which departments and agencies were the source of valid complaints?**

Figure 15 shows which department or agency was the source of each of the 12 valid complaints completed in 1994-95.

**Figure 15**  
**Completed Valid Complaints by Department and Agency**

DEPT. Involved	Completed Valid Complaints
Education, Culture & Employment	2
Schools	2
Justice	1
Courts	2
Correctional Institutes	1
Finance	2
Social Services	2
<b>Total</b>	<b>12</b>

### DESCRIPTION OF THE VALID COMPLAINTS

This section provides a brief description of the cases which the Languages Commissioner investigated and found to be valid.

#### EXAMPLE #1:

##### Use of Official Languages in Correctional Centres

In October 1993, a person complained to the Languages Commissioner that a territorial correctional centre had a policy prohibiting inmates from speaking their native language in common areas, such as the dining room or living room. The Languages Commissioner verified that the policy did, indeed, exist, and contacted the Assistant Deputy Minister and Deputy Minister of Justice to recommend that the policy be withdrawn, since speakers of all Official Languages in the NWT should be granted equal rights and privileges in government institutions. They agreed that it was not an acceptable policy, and contacted the Director to ask why it had been adopted. Apparently, on one occasion, several inmates were laughing and conversing in a language which one inmate did not understand, so this inmate became quite upset. The staff felt that such situations might be

stressful and lead to conflict, so the policy was adopted. The Languages Commissioner suggested that forbidding inmates to speak their own language might also create stress and conflict. The Director agreed to withdraw the policy, but indicated that the staff must maintain the authority to make decisions in situations where safety and security are at stake.

#### EXAMPLE #2:

##### Native Language Programs in Schools

This case demonstrates how the Languages Commissioner can assist in resolving problems that involve several different departments, boards, agencies and organizations by clarifying the issues, determining who is responsible, and finding positive solutions. It also illustrates how the Languages Commissioner must sometimes assert her authority to investigate matters, even when the institution questions her jurisdiction. The cooperation of the staff involved in this investigation was greatly appreciated.

In November 1993, a teacher contacted the Languages Commissioner to ask for assistance in resolving a number of problems related to the native language program in the school. There were several issues involved, so the Languages Commissioner immediately determined which matters were within her jurisdiction, and referred the teacher to other authorities for the matters she could not address.

Although it is not required by the *Official Languages Act*, the Languages Commissioner informed the Deputy Minister of Education, Culture and Employment that she was investigating the complaint, because she required the cooperation of the Department, two Divisional Boards of Education, and the school. The Deputy Minister at first felt that the problems were actually union matters, and questioned the Languages Commissioner's authority. After some initial debate, he agreed that the Languages



Commissioner could proceed and suggested that she contact the Divisional Board of Education for information. Shortly thereafter, the department asked the Languages Commissioner to direct all questions through the Deputy Minister's office, but the Languages Commissioner explained that, in investigations, she has the authority to contact the individuals involved directly.

Information was gathered from numerous sources. The Languages Commissioner determined from this information that the teacher's complaints were valid. First, the teacher was being asked to take on the teaching of several other subjects besides the native language program, so she did not have adequate time to do a good job. The Department and Board both indicated that the allocation of duties to teaching staff was the responsibility of the principal. The Languages Commissioner responded that it was up to the Board to impress upon principals that language programs are a priority, if this is the case. The Department and Board agreed, and the teacher was allowed more time

for preparation and teaching the native language. The Board also undertook an assessment of their language programs and a survey of parents to better determine the needs.

Secondly, the teacher said that there were not enough materials in the required dialect, so she had to spend too much time adapting materials or making her own. In reviewing the role of the Teaching and Learning Centre in the region, where native language materials are developed, the Languages Commissioner found that no materials were, in fact, being produced in that region in the required language. The Department stated that it was the responsibility of the Centre in an adjacent region to produce materials in that language, and that the two Boards were supposed to be cooperating in the adaptation of these materials for the various dialects. Neither of the Boards seemed to be aware of this arrangement, but they began to work more closely together after this information was exchanged.

In addition, the Languages Commissioner discovered that the amount of funding provided to each Teaching and Learning Centre varied greatly - from \$20,000 to \$250,000 under the federal languages agreement (Vote 4) - and for no apparent reason. These amounts had not changed over several years, and Board staff said they had not had input into the submissions



for funding. As a result of bringing this information to the attention of the Department, they agreed that the funds should be distributed more equitably, and developed a new formula based on the number of students. They also reviewed the criteria used for distributing GNWT funds (Vote 1), and revised this formula as well.

Thirdly, the school did not have a computer that allowed the use of the required native language font, although they had apparently tried for several years to obtain one for the program. The Languages Commissioner contacted the GNWT warehouse in Yellowknife, located a suitable computer and printer, and had them sent to the school.

The Languages Commissioner considers these to be valid complaints, because several administrative decisions had resulted in resources not being used in the best possible way to develop and enhance the use of an Official Language in the school system. There are some requirements in the *Education Act* for the teaching of Official Languages, so it is essential not only to provide such programs, but also, in keeping with the spirit and intent of the *Official Languages Act*, to enhance such programs and to ensure that the resources allocated are adequate enough to ensure high standards.



and met with many individuals involved to encourage the required changes, credit for resolving this situation clearly goes to the new staff who took control and made language programs a priority in their region.

**EXAMPLE #4:  
Forms, Information Items and Correspondence Regarding Payroll Tax, Day Care, Societies Registration and Kids Initiatives**

Several complaints were received about forms, information items and correspondence being available in English only. The Languages Commissioner contacted the departments responsible (Finance, Social Services and Justice) and translations were subsequently made available.

Where forms are prescribed in the regulations accompanying an Act, they are automatically printed in English and French, but the Languages Commissioner found that sometimes staff are not aware

of this. In other cases, the department, board or agency has to request a translation, and this is most often done when there is a real need. In one of these cases, there was no requirement to use a particular form, but because a form had been created in English, it should also have been available in other Official Languages.

The Languages Commissioner encouraged these government institutions to respect the spirit and intent of the *Official Languages Act* as well as the provisions regarding service to the public, by actively offering service in Official Languages other than English, especially in initial correspondence or contact. This way, the group or individual will know that it is possible to use the Official Language of their choice. However, a different strategy must be developed for communicating information to the public in each Official Language, since literacy rates vary so much. In the Languages Commissioner's opinion, a greater emphasis on oral communication would be more effective.

Currently there are no guidelines on implementing the *Official Languages Act*, but this is something that should be addressed in the Handbook which GNWT is preparing.

**EXAMPLE #3:  
Native Language Programs in Schools**

In another case, two Aboriginal organizations complained that the funds allocated for the native language programs in their region were not being distributed, and that, as a result, native language classes were not taught all year round and instructors were not paid adequately. The Languages Commissioner gathered information and then monitored the situation over a two year period, because new staff became responsible for the programs shortly after the complaint was received.

This new staff brought about many positive changes to the native language programs in the entire region, including establishing more secure funding, ensuring the languages were taught in every school, and providing more opportunities for specialized training. Also, during this period, instructors who completed the Aboriginal Language Specialist Certificate Program through Arctic College were admitted to the NWT Teachers' Association, which, for the first time, granted them status as union members in the same union as other teachers. Although the Languages Commissioner investigated this case,

**EXAMPLE #5:  
French Language in Courts**

In 1993, the Languages Commissioner followed up on a case dealing with the right to use French in the courts. A man received a ticket, in English only, from a municipality, who provided him with a partial translation into French "as a courtesy" when he requested it.

In fact, the bilingual ticket to be used for infractions of territorial statutes and municipal by-laws is prescribed in the regulations of the *Summary Conviction Procedures Act*, and is, therefore, available in English and French. The accused then asked to use French in the court proceedings and required documents, but the other parties resisted, claiming that the accused spoke English well, and that using French incurred additional costs.

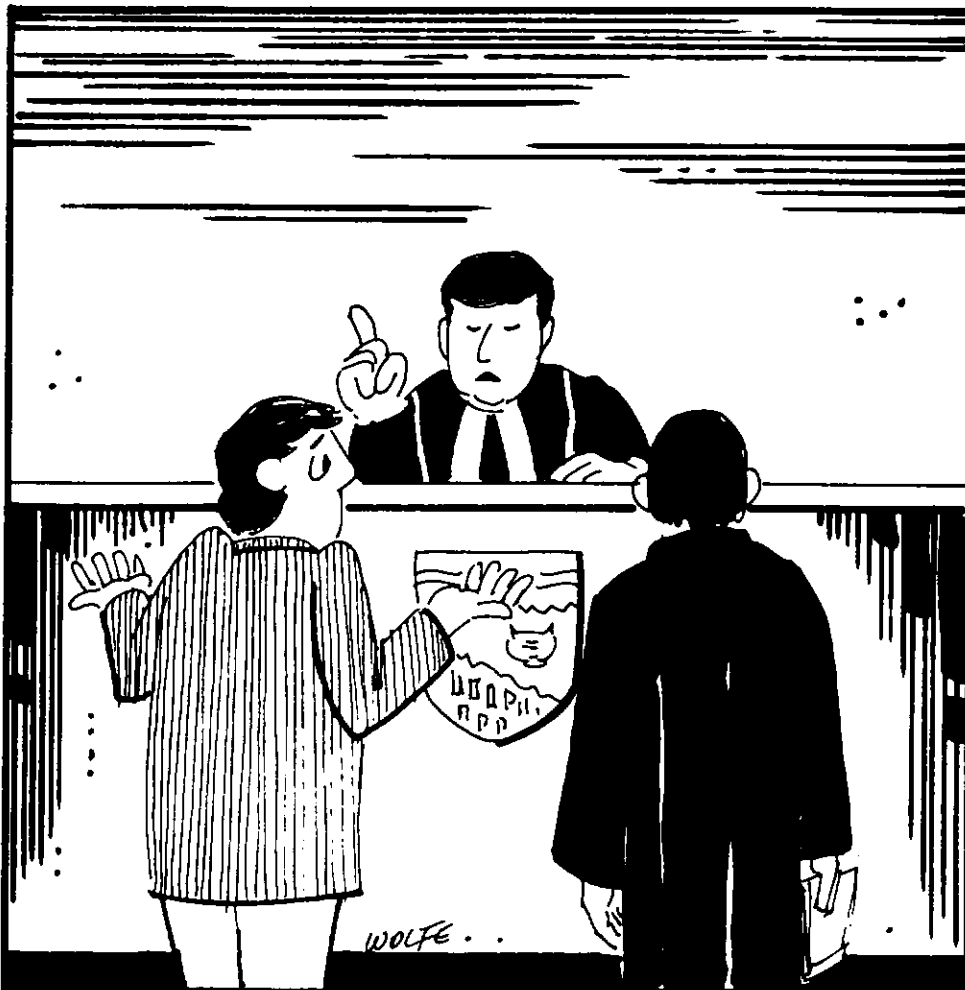
The individual was granted a trial before a French-speaking Justice of the Peace, who clearly stated at the outset that the accused had the right to use French, regardless of his ability to speak English. The representative of the municipality later asked that the fine be \$500 instead of the usual \$100 because the accused had "abused the system", but the Justice did not

agree with this submission. The Languages Commissioner wrote to the parties to remind them of the right to use any Official Language in the courts in the NWT.

**EXAMPLE #6:  
Court Summons**

The Languages Commissioner received a complaint that a court summons was not translated into Inuinnaqtun, which is an Official Language. The Languages Commissioner contacted the Department of Justice to suggest that the form be translated. She also suggested that before court sits in a community, it might be useful to put an announcement in the appropriate languages on local radio, explaining the various forms that are being delivered, so that even those who cannot read will understand what is required. The department indicated that numerous forms were being translated into various Official Languages and that they would soon be available.

Most of the other cases that the Languages Commissioner handled this year are not valid complaints, such as those reported above. Some examples are given below to illustrate how these other cases are handled.



### SOME OTHER INTERESTING CASES

#### EXAMPLE #1:

##### Accused Denied Right to Speak Slavey in Court

When a Territorial Court Judge refused to allow an accused, unrepresented by counsel, to speak Slavey in court, the Supreme Court overturned the Judge's decision and ordered a new preliminary inquiry. The Languages Commissioner was not contacted by the individuals involved in this case, so it cannot be considered a valid complaint, but there was a breach of the *Official Languages Act*. The Languages Commissioner later wrote to inform the parties of their rights, and to ask the Crown's office to try to ensure that all parties' language rights are respected in the courts. In this way, the Languages Commissioner monitors language rights, even when there is no formal complaint to her office.

#### EXAMPLE # 2:

##### No Interpretation Available at a Training Session

In another case, a unilingual Inuk complained that a training course in which he was participating was being delivered in English only. The Languages Commissioner investigated, because the complainant said that the course was offered by a GNWT department. In fact, the course was being run by the Fire Chiefs' Association, which is not an institution of the Legislative Assembly or GNWT, so they had no obligation to provide service in other Official Languages. In Iqaluit, however, the course is apparently run jointly by the GNWT and the Association, and interpretation is provided by Language Bureau. The Languages Commissioner contacted the Language Bureau in Yellowknife, and they agreed to send an interpreter for this unilingual participant even though there was no legal requirement to do so. Here, the Languages Commissioner facilitated in a situation where there was a real need for a service, even if there was no strict legal obligation. She also explained to the complainant that the GNWT was not at fault.

#### EXAMPLE #3:

##### Training Materials Not Available in Aboriginal Languages

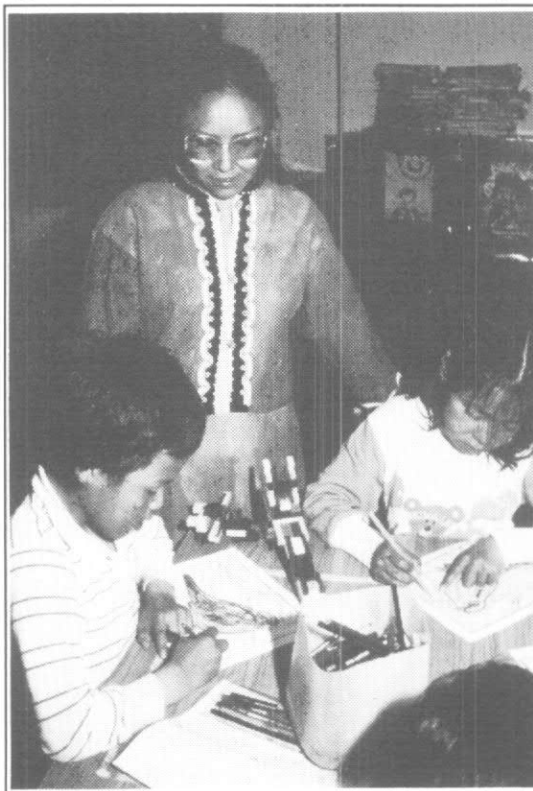
There was another complaint that the NWT was the only place in Ca-

nada where training is not required to obtain a Firearms Acquisition Certificate, because the materials are not translated into Aboriginal Languages. When the Languages Commissioner investigated, she discovered that the training was, in fact, not yet available in any language in the NWT, because there was still some debate with the federal government about the required content of the course. By informing the complainant of this, the Languages Commissioner confirmed for the citizen that no breach of the *Official Languages Act* had occurred.

#### EXAMPLE #4:

##### No Community Control Over Allocation of Resources

Several other complaints dealt with the effects of reduced federal funding for Official Languages. One program that received a great deal of attention was the Legal Interpreter Program in the Department of Justice. A review of the interpreter/translator training programs in the NWT had still not been completed by the contractor, when the Departments of Education, Culture and Employment, Justice and the Executive had already decided to make major changes to the way this training was delivered and to funding arrangements. The Languages Commissioner met with officials and gathered as much information as possible, and several Members of the Legislative Assembly prodded the departments for explanations, but by March 31, 1995, the situation was still not satisfactorily resolved.



This is a case that the Languages Commissioner will continue to investigate in the new year, because it involves administrative decisions which could have major impacts on the rights of individuals to competent interpretation in courts (as established by the Supreme Court of Canada in the TRAN case last year), and because the allocation of resources must respect the spirit and intent of the *Official Languages Act* and not just its specific provisions.

It is also a case which illustrates for communities how little control they have over how Official Languages funding is managed and allocated, which is a fact they have bemoaned for many years.

Tessa Macintosh/GNWT

**CHAPTER 3**

**UPDATE ON RECOMMENDATIONS**

**UPDATE ON ACTIVITIES RELATED TO THE LANGUAGES COMMISSIONER'S RECOMMENDATIONS:**

The following update indicates which of the Languages Commissioner's 1992-93 and 1993-94 recommendations were adopted or rejected by the Legislative Assembly, what actions have been taken on each recommendation, and which recommendations the Assembly said they would consider at a later date.

**1992-93 RECOMMENDATIONS**

**Recommendation #1:**

**The Languages Commissioner recommended that the Languages Commissioner and the Official Languages Unit of the GNWT Executive, appear before a committee of the Legislature to review the Languages Commissioner's Annual Reports.**

**ACCEPTED**

The Languages Commissioner's first Annual Report was referred to the Standing Committee on Agencies, Boards and Commissions (ABC) on March 21, 1994. In November 1994, the ABC recommendation that this Committee formally become responsible for reviewing these reports, was adopted by the Assembly. The Languages Commissioner, the Premier and the Official Languages Unit appeared before this Committee in April and December, 1994, to review the first two Annual Reports and government activities related to Official Languages. Also, as recommended by the ABC Committee and the Standing Committee on Finance, the Languages Commissioner, rather than the Speaker, now defends the Languages Commissioner's budget before the Finance Committee.

**Recommendation #2:**

**The Languages Commissioner recommended that her authority to access information for investigations be clarified by the Legislature.**

**REJECTED**

In their April 7, 1994 response to the Languages Commissioner, the GNWT stated that there are some restrictions on what information employees can publicly reveal, but the Languages Commissioner maintains she must have broader powers of access to information than the public. On October 14, 1994, the ABC Committee report recommended that the Languages Commissioner, not the Assembly, clarify the Languages Commissioner's authority to access information for investigations, and that she challenge GNWT if there is a disagreement. The Languages Commissioner subsequently clarified her authority by providing detailed investigation guidelines in her second Annual Report, tabled on November 14, 1994. In addition, the GNWT and the Languages Commissioner revised the "Protocol for the Coordination of Responses to Requests for Information from the Languages Commissioner" in September 1994, so there are now clearly separate guidelines for dealing with inquiries and complaints.

The Languages Commissioner also provided comments to the Standing Committee on Legislation on August 30, 1994, about how the *Access to Information/Protection of Privacy Act* might affect the Languages Commissioner's office. The Languages Commissioner pointed out that the Act addresses "public" access to information, and that it must neither constrain the Languages Commissioner's authority to investigate complaints, nor allow public access to the Languages Commissioner's confidential complaint files.

**Recommendation #3:**

The Languages Commissioner recommended that the Legislative Assembly clarify how employee complaints about Official Languages policies, services and programs should be dealt with.

ACCEPTED

In their response on April 7, 1994, the GNWT stated that employees are not allowed to publicly criticize program areas that they learn about through their job, and that many problems could probably be resolved by talking to supervisors or by following grievance procedures, instead of involving the Languages Commissioner. In October 1994, the Assembly agreed that the Languages Commissioner should handle employee complaints within her jurisdiction, if other available procedures have not resolved the problem. In her second Annual Report, tabled November 14, 1994, the Languages Commissioner explained the criteria and process used for determining her jurisdiction over each case, and for classifying each case as a "complaint" or an "inquiry". The Languages Commissioner also explained that cases outside her jurisdiction, such as employee-employer matters related to the Collective Agreement, are referred to the appropriate authority. The Languages Commissioner, however, often assists individuals in determining who is responsible for each matter. The Languages Commissioner also provided comments to the Standing Committee on Legislation in December 1994, about how the proposed NWT Ombudsman might assist people in dealing with complaints against government.

**Recommendation #4:**

The Languages Commissioner recommended that the Assembly clarify whether or not employees should be able to use any Official Language as their language of work.

DECISION PENDING

In their April 7, 1994 response, the GNWT stated that the language of work of the GNWT is English, but that there are some employees who do not speak English. They also said that resources should be focused on providing services to the public, rather than to employees. On April 27, 1994, the ABC Committee told GNWT that they had some concerns about this approach, and that this issue must be addressed by the Official Languages Handbook, to be completed by December 31, 1994. As of March 31, 1995, the GNWT had not completed the Handbook, but a draft was being circulated to departments for comment.

**Recommendation #5:**

The Languages Commissioner recommended that the Assembly clarify whether or not boards, agencies and other institutions of the Assembly and GNWT should communicate with the Languages Commissioner through the Deputy Minister, as required by GNWT.

DECISION PENDING

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed the Languages Commissioner to address this issue through negotiations with GNWT. Accordingly, the existing protocol between the Languages Commissioner and the Official Languages Unit of the GNWT Executive, regarding responses to the Languages Commissioner's requests for information, was revised in September 1994. The Executive then circulated this protocol to some institutions. The Languages Commissioner also indicated clearly in her second Annual Report, that for investigation purposes, she can directly contact any employee in any institution which is subject to the *Official Languages Act*, and she identified many of these bodies. (See also 1992-93 Recommendation #8). GNWT said that this issue will be addressed in the Handbook.

**Recommendation #6:**

The Languages Commissioner recommended that the Assembly clarify whether or not the *Official Languages Act* was meant to provide services for people travelling outside their region.

DECISION PENDING

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed GNWT to address this matter in the Official Languages Handbook, and to complete this Handbook by December 31, 1994. As of March 31, 1995, the Handbook was still not completed.

**Recommendation #7:**

The Languages Commissioner recommended that the Assembly clarify whether or not those individuals or bodies providing services or programs on behalf of an institution of the Legislative Assembly or GNWT should be subject to the *Official Languages Act*.

DECISION PENDING

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed GNWT to address this matter in the Official Languages Handbook, and to complete this Handbook by December 31, 1994. As of March 31, 1995, the Handbook was still not completed. (See also 1993-94 Recommendation #4c)

**Recommendation #8:**

The Languages Commissioner recommended that the GNWT clarify to which institutions the *Official Languages Act* applies and that they inform these institutions and the public.

ACCEPTED

The ABC Committee report, adopted by the Assembly on November 4, 1994, said that GNWT should have already done this and directed them to address this matter in the Official Languages Handbook, and to complete this Handbook by December 31, 1994. As of March 31, 1995, the Handbook was still not completed. The Languages Commissioner included a partial list of institutions of the Legislative Assembly and GNWT in her second Annual Report tabled November 14, 1994, along with criteria for determining the status of any body, but GNWT has not indicated whether or not they agree with this list and these criteria. There is still some confusion about the application of the Act, so the Languages Commissioner deals with these matters on a case-by-case basis.

**Recommendation #9:**

The Languages Commissioner recommended that GNWT identify all other Acts and regulations that relate to the status and use of Official Languages and monitor related activities.

ACCEPTED

The *Official Languages Act* specifically states that the Languages Commissioner should deal with complaints involving these other Acts and regulations, and the Languages Commissioner feels that a comprehensive plan for implementing Official Languages must take all such provisions into account. The ABC Committee report, adopted by the Assembly on November 4, 1994, stated that the Languages Commissioner should identify such Acts and regulations with the help of the Department of Justice. Their proposed annotated *Official Languages Act* would be useful in this regard, but it has not been released. The Languages Commissioner included a list of some examples of these Acts and regulations in her Second Annual Report tabled November 14, 1994, and continues to monitor these rights, as required by the *Official Languages Act*. For example, the Languages Commissioner provided detailed comments on the language provisions in the proposed new *Education Act* and the *Access to Information and Protection of Privacy Act*.

**Recommendation #10:**

**The Languages Commissioner recommended that GNWT, after consultations, establish guidelines for implementing the *Official Languages Act*, especially for Section 14, and establish a process and timeframe for developing related policies and regulations.**

ACCEPTED

The ABC Committee report, adopted by the Assembly on November 4, 1994, stated that the GNWT should have done this already. They directed GNWT to deal with this matter quickly and to address it in the Official Languages Handbook, to be completed by December 31, 1994. As of March 31, 1995, the Handbook was still not completed. GNWT said they preferred guidelines instead of regulations, and that draft guidelines would be circulated to departments before public consultations began.

Also, in August 1994, as suggested in the GNWT Response to the Languages Commissioner's 1992-93 Report, the Languages Commissioner met with Official Languages Unit and the Department of Justice to draft regulations relating to the role and responsibilities of the Languages Commissioner. However, both parties agreed that this should not be done through regulations which can be amended any time by the Executive Council, since the Languages Commissioner reports to the Assembly, not the Executive.

**Recommendation #11:**

**The Languages Commissioner recommended that GNWT distribute to employees and the public, information about the *Official Languages Act* and the funding agreements.**

ACCEPTED

In December 1994, the Languages Commissioner, Official Languages Unit, and Justice jointly released a brochure, initiated by the Languages Commissioner in 1993, explaining the *Official Languages Act*. Hundreds of copies in all Official Languages have been distributed. In addition, in her second Annual Report, the Languages Commissioner again reported on the expenditures under the Canadian Heritage funding agreement. She also recommended that, in future, the GNWT table, in the Legislature, the final financial and activity reports of programs funded under this agreement, to ensure that Members, employees of government institutions and the public are aware of how the Official Languages funding was used. (See 1993-94 Recommendation #3). GNWT has distributed these reports in the past but most people were not aware of their contents.

**Recommendation #12:**

**The Languages Commissioner recommended that GNWT better monitor the funding agreement with the Federal Government for Official Languages to ensure funds are not lapsed.**

ACCEPTED

On November 4, 1994, the ABC Committee report was adopted by the Assembly and it stated that GNWT had already responded to this problem by hiring a full-time financial coordinator to monitor the Canada-NWT Agreement on Official Languages. However, in the 1993-94 year, even though all of the money allocated for Aboriginal Languages was spent, there was still a lapse of about \$447,000 under the French language funding. The last three year agreement with the Federal Government for Official Language funding expired on March 31, 1994, and a new agreement was not signed until the end of February, 1995. The new agreement provides GNWT with greater flexibility in reallocating funds, although the flexibility that GNWT had in previous agreements was not exercised as much as the Languages Commissioner felt it could have been.

**Recommendation #13:**

**The Languages Commissioner recommended that GNWT clarify how departments and institutions could apply for funding under the federal funding agreement, and assist them in developing acceptable proposals.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, stated that GNWT was making reasonable efforts in this area. However, with major funding cuts, fewer departments and institutions were able to receive funding under the 1994-97 agreement. The process for deciding what will be negotiated with the Federal Government, is still, in the Languages Commissioner's opinion, not transparent enough, so funding, especially for Aboriginal Languages, is becoming more and more concentrated in fewer departments. The Languages Commissioner feels every department and agency should be encouraged to undertake activities which preserve, develop and enhance Official Languages since the *Official Languages Act* applies to all departments and institutions of the Assembly and GNWT.

**Recommendation #14:**

**The Languages Commissioner recommended that GNWT inform people when new Acts, regulations, policies or guidelines related to Official Languages come into effect.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, stated that the public should be informed of these matters, and that the Languages Commissioner and GNWT should be jointly responsible. No new sections of the *Official Languages Act* came into effect in 1994-95, but public consultations were carried out by the GNWT and the Languages Commissioner about the proposed new *Education Act* and the clauses relating to the teaching of Official Languages. The Languages Commissioner has identified many items other than the *Official Languages Act* that affect language rights, programs and services, and feels that GNWT should more carefully examine these Acts, regulations, policies and guidelines to ensure they are consistent with the *Official Languages Act* and that the public is aware of them.

**Recommendation #15:**

**The Languages Commissioner recommended that the GNWT adopt a policy of "active offer" with regard to language services (i.e. making sure people are aware services are available).**

**ACCEPTED**

In April 1994, the GNWT Response to the Languages Commissioner said that this would be addressed by the Official Languages Handbook. The ABC Committee and the Assembly directed GNWT, in April and November, 1994, to complete the Handbook by December 31, 1994. As of March 31, 1995, the Handbook was still not completed. The Languages Commissioner feels there is still much more promotion that needs to be done to make people aware of their rights and of what services are available.

**Recommendation #16:**

The Languages Commissioner recommended that GNWT develop a policy on interpreter/translator services for all departments and institutions, so that all employees know how to make services available in the required Official Languages.

**ACCEPTED**

The GNWT Response of April 1994, stated that this would be addressed by the Official Languages Handbook, but as of March 31, 1995, the Handbook was not yet complete. They also said that Language Bureau and Arctic College would maintain a list of freelancers and established rates of pay. Each department or institution was expected to arrange for these services on their own. The Languages Commissioner still receives inquiries from institutions of the Legislative Assembly and GNWT about how to arrange for such services, especially when Language Bureau employees are not available.

**Recommendation #17:**

The Languages Commissioner recommended that GNWT consider whether or not it was necessary to provide full-time simultaneous interpretation of the Assembly debates, or whether some of these resources could be used for higher priority activities when not required in the Legislature.

**REJECTED**

The ABC Committee report, adopted by the Assembly November 4, 1994, rejected this recommendation because they felt the service was a good way to promote Official Languages and that it was required by the *Official Languages Act*. The GNWT's Response to the Languages Commissioner admitted that the workload of the Assembly created some difficulty for other departments and institutions trying to obtain services from Language Bureau, and that Education, Culture and Employment and the Legislature would try to find a solution. GNWT did not feel, however, that it could dictate to the Legislature. In 1994, when it became evident that the Federal Government funding for Official Languages would be drastically reduced, including funding for these services in the Legislature, Members of the ABC Committee discussed this issue again, in December 1994, and the Languages Commissioner tried to provide new ideas on how the obligations under the *Official Languages Act* could be met. As of March 31, 1995, however, no change had been made to these services.

**Recommendation #18:**

The Languages Commissioner recommended that GNWT ensure that positions responsible for providing services and programs in Official Languages be filled without delay, or that an interim arrangement always be made.

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, said that the GNWT should act on this right away, but because of federal funding cuts for Official Languages, numerous positions were left vacant and some language programs and services were cut back. The Languages Commissioner did a special report for MLA's in March 1995, detailing the effects of the cuts and has suggested to GNWT new ways in which these Official Languages obligations can be met. (For example, see 1992-93 Recommendation #21.)

**Recommendation #19:**

The Languages Commissioner recommended that GNWT clarify which documents have to be available in which Official Languages, especially “notices to the public” as per Section 11 of the *Official Languages Act*.

**ACCEPTED**

The April 1994 GNWT Response to the Languages Commissioner stated that this would be addressed by the Official Languages Handbook. The ABC Committee report also directed GNWT to address this in the Handbook and to complete the Handbook by December 31, 1994, but as of March 31, 1995, it was not yet completed. The Languages Commissioner is of the opinion that certain notices to the public are not adequately dealt with and, in the absence of clear direction, she deals with these on a case-by-case basis. Part of the problem seems to be that some institutions of the Legislative Assembly and GNWT are not aware that the *Official Languages Act* applies to them, or are not sure what this obligation means. (See 1992-93 Recommendation #8.)

**Recommendation #20:**

The Languages Commissioner recommended that the GNWT develop a policy on using the most appropriate medium for communicating with the public in each Official Language.

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed GNWT to address this in the Handbook and to complete the Handbook by December 31, 1994. As of March 31, 1995, the Handbook was not yet completed. The Languages Commissioner is aware that many documents are available in writing in English, French and Inuktitut syllabics, but feels that communication strategies in other Official Languages are often weak. This is probably because it is not possible to reach all language groups through written documents, and some employees are not sure what other means to use, or how to arrange for alternative services.

**Recommendation #21:**

The Languages Commissioner recommended establishing a 1-800 line for services in each Official Language, similar to the line for French services.

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed the GNWT to investigate this and, with the Languages Commissioner, to develop a quick and effective solution. The Languages Commissioner initiated a meeting with Education, Culture and Employment on April 11, 1994, but no further action was taken by the department. The Official Languages Unit indicated that they had considered this option, but decided that it was too expensive and they preferred to offer personal service instead of telephone service. The Languages Commissioner has looked into some telephone systems that could possibly provide such a service in the NWT in the near future. Providing centralized services could be an effect cost-saving measure and could simplify the task of employees faced with determining how to obtain such services when no on-site service is available. Also, in dealing with a number of cases, the Languages Commissioner became aware that some employees still rely on a person's friends or relatives, or employees of other organizations, to provide this service free of charge, even though the institution itself actually has the obligation to provide the service.

**Recommendation #22:**

**The Languages Commissioner recommended that GNWT consider whether or not they could redirect some of the funding now used for bilingual bonuses and proposed fluency testing to provide language training courses.**

**REJECTED**

The ABC Committee report and the Assembly rejected this recommendation because they felt the bonus was a more effective use of resources than language training, and because the bonus is protected by the Collective Agreement. GNWT has not, however, proceeded with fluency testing, which the Languages Commissioner advised would be very costly and cumbersome. The GNWT said language fluency testing would be addressed in the Official Languages Handbook, but it was not completed by March 31, 1995. The Languages Commissioner continues to monitor how services are provided by employees who receive the bonus, and also receives numerous complaints from employees and the public that language courses are not available. The Languages Commissioner feels that even minimal staff training in the local Official Languages would go a long way in making employees and citizens more comfortable in communication exchanges.

**Recommendation #23:**

**The Languages Commissioner recommended that all managers and employees be made aware of the bilingual bonus, and that GNWT ensure that all eligible employees are receiving it.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed GNWT to address this in the Official Languages Handbook and to complete the Handbook by December 31, 1994. As of March 31, 1995, the Handbook was not yet completed. The Languages Commissioner has inquired about how the bonus is administered, and made several recommendations to the department responsible. A policy for casual entitlement to the bonus was subsequently adopted. Other measures have yet to be implemented, but the department responsible has indicated that they appreciate the Languages Commissioner's input.

**Recommendation #24:**

**The Languages Commissioner recommended adding a language criterion to the Affirmative Action policy to ensure that more people who speak more than one Official Language, or who speak only an Official Language other than English, are employed.**

**REJECTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, rejected this idea because they felt that the current measures are adequate. The GNWT did not support the recommendation, because they suggested it could result in non-Aboriginal people who speak more than one Official Language being given priority over Aboriginal people who do not (especially if the Aboriginal person speaks only English). The intent of the recommendation was to ensure that, after the current priorities are applied, where two candidates are of equal merit, the one who speaks more than one Official Language would be given preference. The Languages Commissioner decided to provide comments to the committee that would be reviewing the Affirmative Action Policy in 1995-96.

**Recommendation #25:**

**The Languages Commissioner recommended that GNWT gather materials available for adult literacy and fluency training in all Official Languages and make them readily available.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed GNWT, presumably Education, Culture and Employment, to act on this recommendation. In November 1994, the Languages Commissioner initiated a meeting with staff of ECE, but no further action appears to have been taken. The employee responsible for the Education Resource Centre in Yellowknife, to whom the Languages Commissioner referred many individuals, was laid off March 31, 1995, and many of the materials were sent out to regional centres. The Languages Commissioner continues to receive many requests for materials and tries to either provide the materials or find someone who can. It is still difficult to find suitable materials for adult language learners, although revitalization is one of the main goals of the Aboriginal Language funding from the Federal Government.

**Recommendation #26:**

**The Languages Commissioner recommended that more courses be developed for people who want to learn other Official Languages, or who want to learn how to teach languages to adults.**

**ACCEPTED**

In April 1994, the GNWT responded to the Languages Commissioner that they did not intend to develop more language courses at that time. The ABC Committee report adopted by the Assembly on November 4, 1994, said that Arctic College should deal with this, and they should concentrate on developing a course to teach individuals how to teach their language to other adults. No such course has yet been developed to specifically address this need. The Languages Commissioner continues to receive inquiries and complaints about language training.

**Recommendation #27:**

**The Languages Commissioner recommended that GNWT continue to inform its employees and the public about the standardized writing systems for all Official Languages, and try to develop broader support for this initiative.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994, directed GNWT to address this recommendation in the Handbook, as GNWT said they would in April 1994, but the Handbook was still not ready by March 31, 1995. There are still issues to be resolved with regard to the Roman orthography (a,b,c ...) used for Inuinnaqtun and Inuvialuktun, as well as for the Dene languages, and still a need for more literacy training. Some employees of GNWT and their institutions have expressed concern that it is difficult for them to defend a new writing system, when the community has not yet accepted it. The Languages Commissioner feels that there is a need also to explain to people why these new orthographies have been developed and why GNWT is promoting them.

**Recommendation #28:**

The Languages Commissioner recommended that GNWT research and document Dene syllabics for historical purposes and for use in translations for elders.

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on November 4, 1994 directed GNWT to address this issue to meet the needs of elders. However, most, if not all, Dene language translations are still done in Roman orthography and no documentation of Dene language syllabics has been undertaken by GNWT. Unfortunately, many of the unilingual Dene language speakers can only read in the the old syllabic system, so the materials intended for their information are not accessible. Many younger, bilingual speakers also say they prefer to read the English original rather than a translation in their language, even if they can read the new Roman orthography.

**Recommendation #29:**

The Languages Commissioner recommended that GNWT undertake a thorough study of fluency and literacy for all Official Languages of the NWT.

**ACCEPTED**

Although GNWT gathered some data on this subject in 1992 and 1993, and there is some data available from such sources as Statistics Canada, (which are summarized in the Languages Commissioner's first Annual Report), the independent evaluation of the 1991-94 Canada-NWT funding agreement concluded that effective planning cannot be done without an adequate needs assessment. The ABC Committee report, adopted by the Assembly on November 4, 1994, stated that such studies should be undertaken jointly by the Languages Commissioner and the GNWT. No new studies were initiated in 1994-95, but such information would be a valuable evaluation tool in determining the effectiveness of certain Official Languages programs and services over a certain period of time.

**Recommendation #30:**

The Languages Commissioner recommended that GNWT assist non-government organizations and groups whenever possible with providing Official Language services and programs.

**GNWT HAS DISCRETION**

The ABC Committee report, adopted by the Assembly November 4, 1994, stated that GNWT should exercise its discretion in this area. If they can assist other bodies without undermining their own programs and services, then they should, but they should also try to set a good example of implementing Official Languages in their own organizations for others to emulate. Non-government groups, including Aboriginal and Francophone organizations, various interest groups and private businesses have expressed concern over the limited resources that are at their disposal and about how the government establishes its priorities for spending Official Languages dollars.

**1993-94 RECOMMENDATIONS:**

The April 1995 Report of the Standing Committee on Agencies, Boards and Commissions is included here to allow consideration of all the Languages Commissioner's recommendations to date.

**Recommendation #1:**

**The Languages Commissioner recommended that the Assembly and GNWT deal with all the outstanding recommendations from the Languages Commissioner's first Annual Report.**

**ACCEPTED**

The ABC Committee report on the Languages Commissioner's second Annual Report, adopted by the Assembly on April 27, 1995, stated that the Assembly had dealt with the recommendations directed to them, and that GNWT was responsible for the rest. Many of the outstanding recommendations are to be addressed by the Official Languages Handbook, which is now due to be completed after stakeholders are consulted in the summer of 1995. The Committee and the Assembly expressed disappointment that this task was not yet completed.

**Recommendation #2:**

**The Languages Commissioner recommended that her Annual Reports be based on the calendar year rather than the fiscal year so that there would be less delay in the Assembly's response to them.**

**REJECTED**

The ABC Committee report, adopted by the Assembly on April 27, 1995, rejected this recommendation, since their terms of reference have now been changed to allow them to deal with the reports inter-sessionally, before they are tabled in the House. They feel this will now alleviate any delay.

**Recommendation #3:**

**The Languages Commissioner recommended that GNWT annually table in the House, the final financial and activity reports related to the Canada-NWT Cooperation Agreement for French and Aboriginal Languages in the NWT (i.e. the Official Languages funding from Canadian Heritage).**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly April 27, 1995, endorsed this recommendation because they want to be more aware of how these funds are managed and spent, and, hopefully, ensure that Official Languages funding does not lapse in the future, as it has in the past.

The Auditor General's report also suggested that the Assembly review more closely the funds which GNWT receives outside of their annual Vote 1 budget, since these allotments are rarely scrutinized by the Legislature in their budget and public accounts reviews and some hidden cost should be identified.

**Recommendation #4:**

**4 a) The Languages Commissioner recommended the establishment of a joint management committee for the administration of Official Languages funds.**

**REJECTED**

This recommendation was rejected by the ABC Committee because they felt it might be too costly, especially in light of major funding cuts, and because they felt that very little of the funding would be discretionary and available to non-government bodies after institutions of the Legislative Assembly and GNWT met their obligations under the *Official Languages Act*. The Languages Commissioner continues to hear that people and groups in the communities want more control over the establishment of priorities for spending Official Languages funding, and they want to effect change in the way certain programs and services are delivered. They are aware that reductions in funding mean that more cost-effective solutions have to be found, and they want to have greater control over the decision-making process. The Languages Commissioner continues to meet as often as possible with groups representing Official Languages, to ensure that their views are communicated to the government, but she too is limited, for the most part, to making recommendations.

**4 b) The Languages Commissioner recommended that GNWT transfer responsibility for some Official Languages programs and services to community groups, while maintaining adequate resources to meet their legal obligations under the *Official Languages Act*.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on April 27, 1995, suggested that GNWT, the Languages Commissioner and language groups explore this idea and begin devolution in the 1994-95 year. The Languages Commissioner has informed numerous groups that they can initiate this process through the Community Transfer Program or self-government negotiations and has had discussions with them about which areas of responsibility they could possibly administer. Since GNWT has not clearly identified all Official Languages activities for which they are responsible, most of the discussions about these programs and services have centred on those funded under the Canada-NWT Cooperation Agreement (Vote 4). There are, however, many activities funded by GNWT (Vote 1) which could also be the focus of these discussions. The Languages Commissioner is continuing to work on this initiative.

**4 c) The Languages Commissioner recommended that when these transfers occur, GNWT make it very clear what Official Languages obligations must be met.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on April 27, 1995, stated that GNWT should not use these transfers to free themselves from their legal obligations under the *Official Languages Act*, and that they must make these obligations clear, if and when services and programs are transferred.

**Recommendation #5:**

**The Languages Commissioner recommended that GNWT support the research, documentation and analysis of the Michif language in the NWT so that it can be properly considered in the context of Official Languages.**

**ACCEPTED**

The ABC Committee report, adopted by the Assembly on April 27, 1995, said that GNWT should undertake this work so that the Assembly can make an informed decision regarding Michif's future status. In 1994-95, GNWT provided some funding to the Metis Heritage Association to undertake part of this work.

## CHAPTER 4

## RECOMMENDATIONS AND CONCLUSION

## 4.0 RECOMMENDATIONS

### Recommendation #1: Handbook on Official Languages

For over two years now, the Premier has promised to release a Handbook on Official Languages which will provide guidelines on how the *Official Languages Act* is to be implemented. Without this document, employees and members of the public are unsure of how to respect the provisions, spirit and intent of the Act. The Languages Commissioner recommended in 1993 that such a handbook be compiled, and the Standing Committee on Agencies, Boards and Commissions and the Legislature both instructed GNWT to complete the Handbook by December 31st, 1994. The Committee delayed consideration of a number of the Languages Commissioner's previous recommendations until the Handbook was available. The Handbook is still not ready, and by the end of March 1995, not even a draft had been circulated to various groups or individuals for comment.

1. Therefore, the Languages Commissioner recommends that the Legislative Assembly insist that the Premier table the Handbook without delay, and that the Standing Committee on Agencies, Boards and Commissions review this document at the earliest possible opportunity, in order to address the outstanding recommendations made by the Languages Commissioner in 1992-93 and 1993-94.

### Recommendation #2: Languages Commissioner on Contract

Over the past four years, a number of questions have arisen about the administration of the position of the Languages Commissioner. This occurred because the *Official Languages Act* is silent on most of these matters, it was a new position, and it was the first ombudsman experience for the NWT (albeit specializing in linguistic rights). In addition, the Languages Commissioner is the only officer appointed by a vote of the Legislature. In the hope of clarifying a number of these matters, the Legislative Assembly adopted the Standing Committee on Agencies, Boards and Commission's motion (#66-12(6)), in November 1994, that the next Languages Commissioner be on contract. The four year term of the incumbent expires on January 31st, 1996. The Languages Commissioner is preparing a briefing paper outlining the issues that have arisen during this first term so that they can, hopefully, all be addressed before the next term begins.

2. Therefore, the Languages Commissioner recommends that, before the appointment of the next Languages Commissioner, the Standing Committee on Agencies, Boards and Commissions, and the Management Services Board, with the assistance of the Languages Commissioner, carefully consider this new contractual arrangement to ensure it complies with the *Official Languages Act* and to determine whether or not amendments will be required to this Act.

### Recommendation #3: Division of the NWT

Division of the NWT is scheduled to take place in the middle of the next Languages Commissioner's term (1996-2000). In the meantime, decisions will have to be made about restructuring the Office of the Languages Commissioner. There is a provision in the Nunavut Implementation Commission's planning document, "Footprints in New Snow", for an office of "an Ombudsman, Language Commissioner and Access to Information Coordinator" (Appendix 10-3). Plans for the western Arctic are less defined. Section 29(1) of the *Official Languages Act* states that a review of the Act must be undertaken in the next session of the Legislature after December 31, 2000. However, some of the decisions will have to be made before April 1, 1999.

3. Therefore, the Languages Commissioner recommends that, in preparation for division of the NWT in 1999, the Languages Commissioner and organizations representing Official Language groups be included in the Legislative Assembly's discussions concerning proposed changes to the *Official Languages Act* and to the Office of the Languages Commissioner.

### Recommendation #4: Access to Information/Protection of Privacy Act

The Languages Commissioner made a presentation to the Standing Committee on Legislation in August, 1994, detailing her concerns about the stated prevalence of this new Act over the *NWT Official Languages Act* and about the application of this new Act to the Office of the Languages Commissioner. The Languages Commissioner still feels that without some changes to either the *Access to information Act* or the *Official Languages Act*, problems could occur in the future. Last year,

for example, the Ontario Ombudsman, Roberta L. Jamieson, was unfortunately, and unintentionally, forced to allow public access to a confidential complaint file because her office was not exempt from the *Freedom of Information Act*. She had, for several years, implored the government and Legislature to remedy this situation, but they had not taken any action.

**4. The Languages Commissioner therefore recommends that the Standing Committee on Agencies, Boards and Commissions, with the assistance of the Languages Commissioner, review the *Access to Information/Protection of Privacy Act* before its coming into effect on December 31st, 1996 and consider such amendments as are necessary to ensure that this Act:**

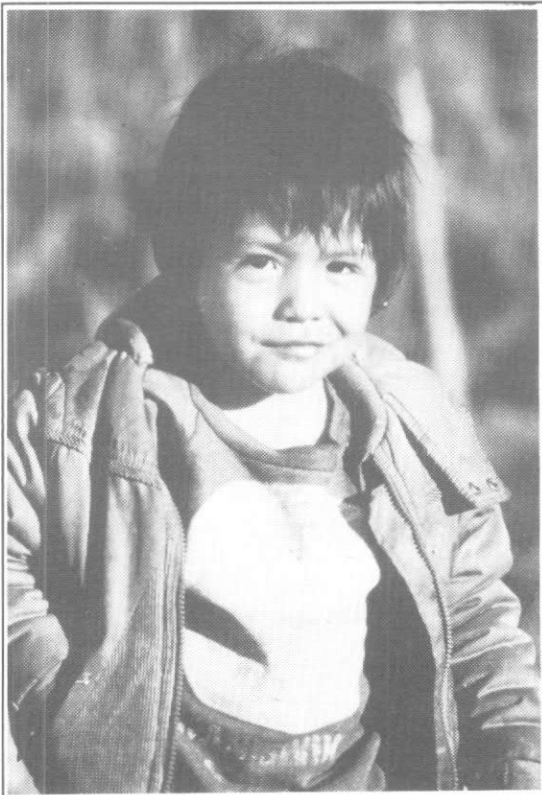
- does not contravene any provisions of the *Official Languages Act*, and
- does not interfere with the Languages Commissioner's authority to access information for the purpose of complaints investigations, and
- adequately protects the identity of individuals involved in complaints made to the Languages Commissioner.

#### 4.1 CONCLUSION

This year was the tenth anniversary of the *Official Languages Act* in the NWT. It is a great disappointment that guidelines have still not been developed for its implementation. GNWT has still not made it clear to which institutions the Act applies, and how employees are to meet their obligations on a daily basis. Neither have they identified which other Acts and regulations relate to the status and use of Official Languages, something that the Languages Commissioner considers essential if a comprehensive plan for the implementation of Official Languages is to occur.

Progress was made this year on further defining the role of the Languages Commissioner and her relationship with institutions of the Legislative Assembly and GNWT, and public information on the *Official Languages Act* became available for the first time as a result of cooperation between GNWT and the Office of the Languages Commissioner.

A better understanding is developing about the ombudsman-type role of the Languages Commissioner and this will no doubt contribute to a better understanding of other ombudspersons who may be appointed in the future, such as the Access to Information and/or Protection of Privacy Commissioner(s).



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**APPENDIX 1 - INVESTIGATION GUIDELINES**

Figure 16  
Procedures for Handling Complaints and Inquiries - Office of the Languages Commissioner

