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The Office of the Northwest Territories Languages Commissioner

Annual Report 2005-2006

NOV 02 2006

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English

Si vous voulez ces informations en français, contactez-nous.

French

Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

TŁĮCHǪ YATI K'ĘĘ. DI WEGODI NEWǪ DÈ, GOTS'O GONEDE.

Tłı̨chǫ

ʔERIHTŁ'ÍS DËNE SÚŁINÉ YATI T'A HUTS'ELKËR
XA BEYÁYATI THEʔĄ ʔAT'E, NUWE TS'ËN YÓŁTI.

Chipewyan

EDI GONDI DEHGÁH GOT'ĮE ZHATIÉ K'ÉÉ
EDATŁ'ÉH ENAHDDHĘ NIDE.

South Slavey

K'ÁHSHÓ GOT'ĮNE XƏDǾ K'É HEDERI
ʔEDĮHTL'É YERINIWĘ NÍDÉ DÚLE.

North Slavey

Jii gwandak izhii ginjìk vat'atr'ijąhch'uu zhit
yinohthan jì', diits'àt ginohkhìi.

Gwich'in

UVANITTUAQ ILITCHURISUKUPKU INUVIALUKTUN, QUQUAQLUTA.

Inuvialuktun

ᑕᒃᑯᐊ ᑎᑎᖅᑲᐃᑦ ᐱᐊᒪᒍᕕᒋᑦ ᐃᓄᒃᑎᑐᓕᖅᓯᒪᓗᑎᒃ,
ᐅᐸᑦᑎᓐᓄᑦ ᐅᖃᓚᐊᓐᓇᖅᑐᑎᑦ

Inuktitut

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

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Languages Commissioner of the N.W.T. *(English)* ◆ Commissaire aux langues des T.N.-O *(French)*

Uqauchitigun Isivriuriyi Nunaptinni *(Inuvialuktun)* ◆ ᐅᖃᐅᓯᑦᑎᓗᒃᑐᑎ ᐃᓱᒪᒋᐅᓯᕐᕕᒃᑐᑎᒃ ᑎᑎᕋᑦᑎᓐᓂᒃ *(Inuktitut)* ◆ Jądizí Nëne Xa Yatı K'eyíŋ *(Chipewyan)* ◆ Pikiskwiwineh Okimaw Kiwîtin Ohci *(Cree)*

Edzaněkʼe Gha Yatı Hǎǫa Xǫehdı Dǫ *(Tłı̨chǫ)* ◆ Júhdá Hıŋéné Gogha Xedə Hekʼéyəıhǎdı *(N Slavey)* ◆ Góhdlı Ndéh Kʼeh Zhatıé Xoʔehndıh Dené *(S Slavey)* ◆ Gınjıh Eenjıt Kʼandahnahtu N.W.T. Geenjıt *(Gwichʼin)* ◆ UQAUHILIRINIRMUT KAMISINAUYUQ NUNATTIARMI *(Inuinnaqtun)*

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September 12, 2006

The Honourable Speaker
Legislative Assembly of the Northwest Territories
Legislative Assembly Building
Yellowknife, Northwest Territories

Mr. Speaker,

Pursuant to section 23 of the *Official Languages Act*, I am pleased to submit to the Legislative Assembly, for consideration, the Annual Report of the Languages Commissioner of the Northwest Territories for the fiscal year 2005-2006.

Sincerely,

Shannon R. W. Gullberg
Languages Commissioner of the Northwest Territories

Message from the Languages Commissioner

Greetings.

This is my second annual report, ending my first full year as Languages Commissioner. In this report, I outline the steps that have been taken to make the office more prevalent and accessible, and I give details of the complaint process for the office. I also make some strong recommendations to the Legislative Assembly, and lay out the path for the future.

Please do not hesitate to contact my office if you have any questions or concerns about this Annual Report, or if you have a complaint or inquiry that should be directed to this Office.

Mahsi.

The Past

In 1984, the Legislative Assembly passed its first *Official Languages Act*. Modelled after the Federal Act, it had two essential purposes: the Act guaranteed equal status for the use of English and French by members of the public using government programs and services, and the Act officially recognized the Aboriginal languages in use in the Northwest Territories. In 1990, the Legislative Assembly made major amendments to the Act to give greater status to northern Aboriginal languages. Recognizing the official status of Aboriginal languages was intended to preserve and promote Aboriginal cultures through protection of their languages.

The 1990 amendments also created the position of Languages Commissioner of the Northwest Territories to be appointed by the Legislative Assembly for a term of four years. The Act gave the Languages Commissioner authority to investigate complaints in regard to compliance with the Act, initiate investigations as appropriate, and engage in activities related to the promotion and protection of Official Languages.

In 2001, the Legislative Assembly appointed a Special Committee on the Review of Official Languages (SCOL). In 2003-2004, the Government of the Northwest Territories (GNWT) considered and responded to the SCOL report. The end result was that major amendments were made to the Act. Some of those amendments had a direct and significant impact on the Office of the Languages Commissioner:

- Section 20(1) of the *Official Languages Act* used to contain a provision giving the Languages Commissioner a broad mandate, including taking steps to ensure the promotion and preservation of Official Languages. This promotional role was deleted and the position of Languages Commissioner was narrowed to that of an "ombudsman type" role. That is, the role of the Languages Commissioner became one of ensuring compliance with the Act through investigating complaints, handling inquiries and initiating investigations where appropriate.

- The role of promoting and preserving Official Languages was turned over to the newly created position of Minister Responsible for Official Languages. As part of fulfilling this role, the Minister established two Boards – the Official Languages Board and the Aboriginal Languages Revitalization Board. The Official Languages Board is to review the rights and status of Official Languages and their use in the administration and delivery of services to government institutions. The Aboriginal Languages Revitalization Board is responsible for reviewing programs and initiatives dealing with Aboriginal languages, and promoting and revitalizing Aboriginal languages.

- Before the amendments, the Act referred to eight Official Languages (Chipewyan, Cree, Dogrib, English, French, Gwich'in, Inuktitut, and Slavey). In the definitions section of the Act, "Slavey" was defined to include North Slavey and South Slavey, and "Inuktitut" was defined to include both Inuinnaqtun and Inuvialuktun. With the amendments, the Act now clearly identifies North Slavey, South Slavey, Inuinnaqtun and Inuvialuktun as separate Official Languages. As well, "Dogrib" is referred to by its proper name, Tłı̨chǫ. As such, the Northwest Territories now has 11 distinct Official Languages.

These changes have had a significant impact on the nature of the Office. The Languages Commissioner needs to be available to handle inquiries, investigate complaints and initiate investigations of non-compliance with the Act. This may seem like a step backwards, but the reality is that it allows the Languages Commissioner to act in a truly ombudsman like fashion, and maintain distance from the Legislative Assembly and GNWT. This adds to the independence of the Office.

The Present

Complaints and Inquiries

Definitions

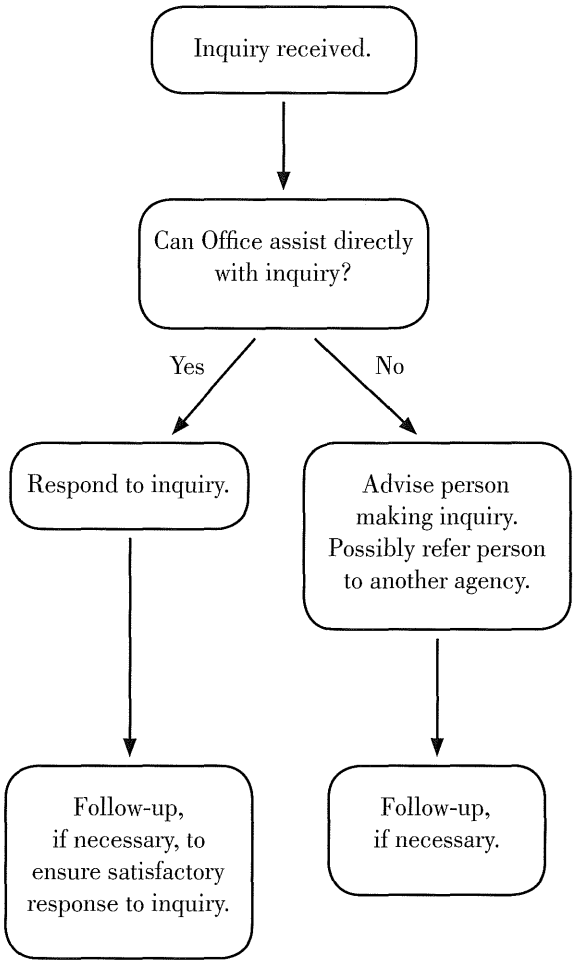
As indicated in my last annual report, it is very difficult to analyse data collected by the Office since its inception. In large part, this is because there has not been a standardized definition of the terms "complaint", "inquiry" and "investigation". Standardized definitions have now been developed and are being applied to cases that come to the attention of the Office:

- **Inquiry** – A simple request for information, usually related to the status or use of Official Languages, or about the *Official Languages Act*. It does not include any suggestion that a person feels that she or he has been unfairly treated.
- **Complaint** – A complaint involves a situation where a person or group feels that their language rights or privileges have been infringed or denied. They may feel that they have been treated unfairly or have been adversely affected by some policy, program, action or lack of action.
- **Investigation** – A situation where the Languages Commissioner decides to investigate a specific situation or larger systemic issue, regardless of whether a complaint has been filed with the Office.

Inquiry Process

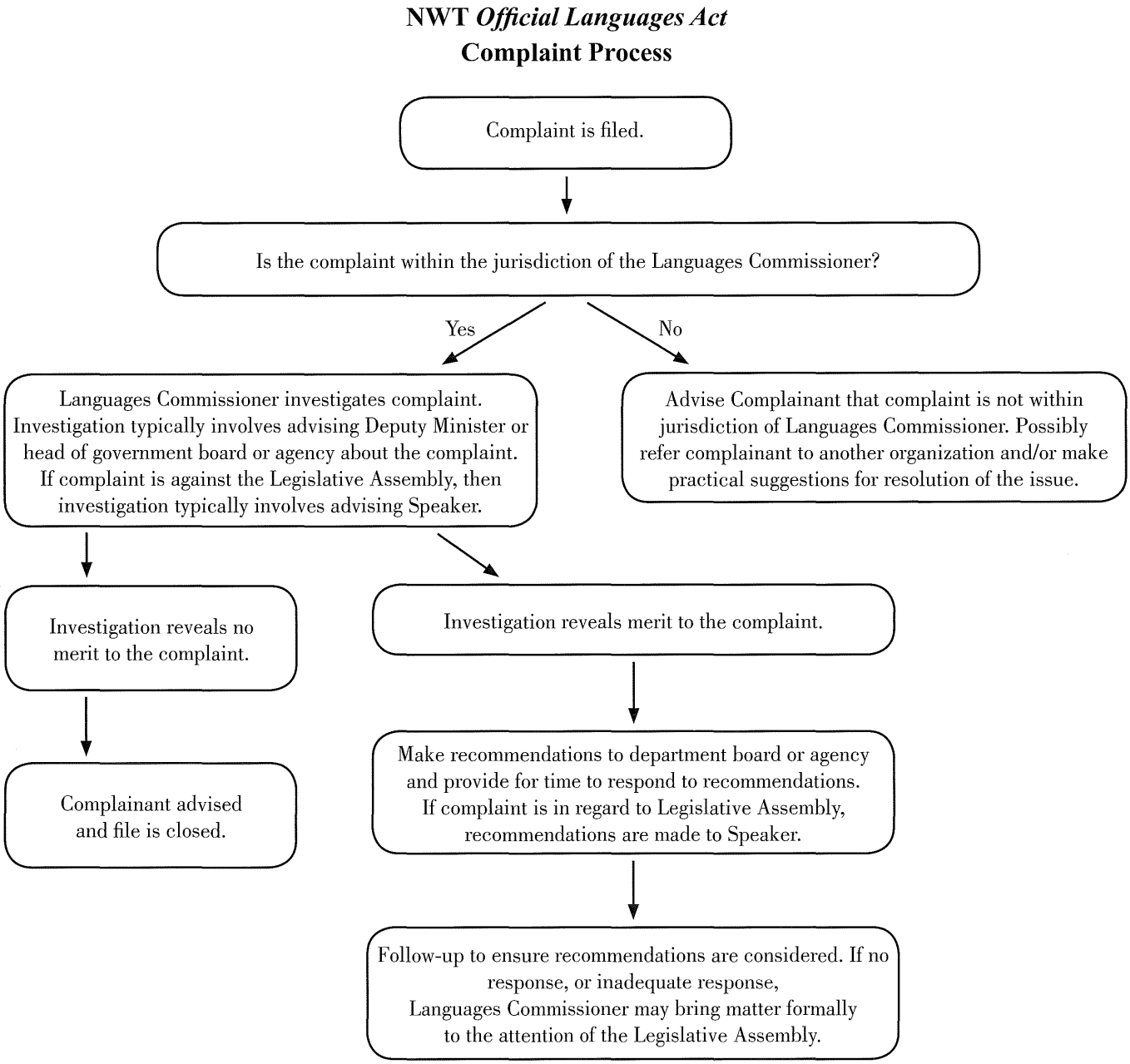
The inquiry process established for the Office is as follows:

NWT *Official Languages Act*
Inquiry Process



Complaint Process

The complaint process established for the Office is as follows:



Statistics for 2005-2006

- **Inquiries** – In the 2005-2006 fiscal year, the Office received 20 inquiries. Nine of these were in relation to obtaining translation/ interpretation services. Of interest is that of those nine inquiries, eight of them were from private sector businesses that were wanting to provide for signage or materials in various Official Languages. This is significant in that these businesses had no legal obligation to provide for signage or materials in any particular Official Language, but they seemed genuinely interested in promoting Official Languages and providing the best quality service to their respective clients. The other 11 inquiries were in relation to obtaining information about the *Official Languages Act* or Official Languages generally. Of these, nine were from the private sector.

- **Complaints** – In the 2005-2006 fiscal year, the Office received one complaint. The complaint was received right before the 2006 federal election and was in relation to obtaining French services from Elections Canada. While this Office has no jurisdiction over Elections Canada, or any other federal government agency, the Languages Commissioner was able to directly assist the complainant in obtaining French services from Elections Canada.

- **Initiatives** – In addition to the above complaints and inquiries, there was a concern raised by a Francophone individual that he was not able to obtain services in French from the Department of Health and Social Services. In particular, when he used the 1-800 number to obtain information about Health Care Cards, he indicated that no one could assist him in French. Although a formal complaint was not filed, the Languages Commissioner decided to initiate an investigation. This issue is discussed later in this report, along with a recommendation.

Budget

Office of the Commissioner of Official Languages

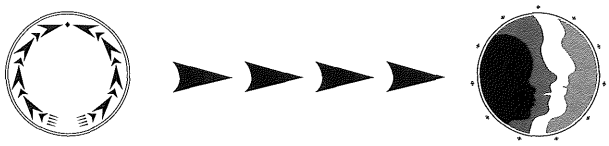
Fiscal Year 2005-2006

	Funding Appropriated	Actual Expenses	Balance at Year End Lapse / (Over expenditure)
Compensation and Benefits			
Permanent Salaries	31,000	28,200	2,800
Casual Wages	0	0	0
Employee Benefits	0	0	0
Employee Related Costs	0	0	0
Total Compensation and Benefits	$31,000	$28,200	$2,800
Other Operating Expenses			
Travel and Transportation	28,000	0	28,000
Purchased Services	20,000	12,040	7,960
Materials and Supplies	20,000	12,635	7,365
Utilities	0	0	0
Contract Services	76,000	24,382	51,618
Fees and Payments	15,000	8,266	6,734
Other Expenses	5,000	0	5,000
Computer Hardware and Software	5,000	10,500	(5,500)
Total Other Operating Expenses	$169,000	$67,823	$101,177
TOTAL FOR THE OFFICE	**$200,000**	**$96,023**	**$103,977**

Highlights

New Logo

The Office of the Languages Commissioner has a new logo!



Special attention was paid to the design of the new logo. The logo is a circle with three faces inside: a man, a woman and a child. Outside the circle are 11 diamonds. The logo is done in earth tones.

The three figures are obviously of different racial backgrounds, and are intended to represent the cultural and linguistic diversity of the North. Two, in particular, are intended to represent the Aboriginal persons of the Northwest Territories. They also signify the need for all persons in the Northwest Territories, men and women, old and young, to be involved in language issues to ensure the health of our languages. The circle is a powerful symbol for the strength and protection of all language groups working together. The 11 diamonds represent the 11 Official Languages of the Northwest Territories, which, like diamonds, are precious. The whole logo is done in earth tones to represent the close connection between people of the North and the land.

The logo has been used to create various office materials, which have also been designed with care. For example, the new letterhead has been drafted in such a way that no one Official Language is given prominence. This is to be respectful to all language groups. Also, the letterhead clearly identifies that the information can be requested in another Official Language.

Another example is business cards, which have basic identifying information in all 11 Official Languages.

New Web Site

The new web site for the Office is completed, with the exception of a few translation issues. It will be operational very shortly.

The web site contains numerous features, including basic information about the Office and the *Official Languages Act*, a complaint form and contact information. Basic information is available in all 11 Official Languages. In addition, contact information is available in an auditory format for those who have problems with the written format. The web site is also designed for the visually impaired.

Once any problems with the web site are worked out, consideration will be given to providing for online filing of complaints.

New Database

The Office also has a new database!

The database is crucial for the tracking of individual complaints and inquiries, and for easy statistical analysis of complaints and inquiries. The old database for the Office had not been running for a number of years and it proved impossible to get it working again.

Promotion of the Office

Radio advertisements for the Office have been developed and have run on CBC Radio, CJCD, Radio Taiga and CKLB (Aboriginal station). The advertisements, which promoted the Office, were heard in all 11 Official Languages.

The Languages Commissioner also had an opportunity to meet with various groups and individuals during the course of the year. Some highlights include meeting with the Federal Official Languages Commissioner, the Official Languages Board and the Aboriginal Languages Revitalization Board. The Languages Commissioner also had an opportunity to speak at the 25th Anniversary Celebration of French Immersion education at the Yellowknife Education District #1.

The Future

Recommendations for Legislative Change

1. The Preamble – Is it Right?

Paragraph six of the preamble to the *Official Languages Act* states:

> "Desiring to provide in law for the use of the Aboriginal languages in the Northwest Territories, including the use of the Aboriginal languages for all and any of the official purposes of the Northwest Territories at the time and in the manner that is appropriate."

Nowhere in the Act does it define "official purposes of the Northwest Territories", and this statement is unclear. The likely intent was to highlight that the Act provides for the use of Aboriginal Official Languages in a number of situations. Suggested wording is:

> "Desiring to provide in law for the use of the Aboriginal languages in the Northwest Territories, including the use of Aboriginal languages in the manners and circumstances specifically identified and provided for in the Act."

In addition, paragraph 10 of the preamble states:

> "Desiring that all linguistic groups in the Northwest Territories should, without regard to their first language learned, have equal opportunities to obtain employment and participate in the institutions of the Legislative Assembly and Government of the Northwest Territories, with due regard to the principles of selection of personnel according to merit."

This section appears to be largely drawn from the preamble of the federal *Official Languages Act*, which specifically provides for equality of use of English and French in the workplace. The Northwest Territories *Official Languages Act* does not have any provisions with respect to language of work. As such, this section incorrectly suggests certain language rights in the workplace are provided for in the Act, which they are not. In addition, it suggests that the Act protects from discrimination in employment practices based on racial background. That is provided for in the *Human Rights Act* of the Northwest Territories and not the *Official Languages Act*. Given these points, this paragraph in the preamble should be deleted. That does not mean that the Legislative Assembly should not consider issues with respect to language of work. Indeed, the Government of the Northwest Territories has no official policy with respect to language of work and this should be considered in some detail. However, in the interim, this statement in the preamble is misleading.

RECOMMENDATION:

That the Legislative Assembly clarify what is meant by paragraph six of the preamble to the Official Languages Act. Further, paragraph 10 of the preamble should be deleted.

2. Contracting Out – Making Privatization Work

In 2000, the Languages Commissioner prepared a report entitled "Special Report on Privatization and Language Services". In that report, she stated:

> "Perhaps one of the most obvious reasons why languages services might decrease with privatization is that, under the current *Official Languages Act*, there is no legal requirement on the part of contractors to provide services at the level required under the *Official Languages Act*. Only the Legislative Assembly, the Government of the Northwest Territories, its boards and agencies need comply. With no legal requirement to provide services in accordance with the *Official Languages Act* it certainly opens up the possibility that some contractors will choose to ignore its provisions in whole or in part."

In the same report, the Languages Commissioner went on to make the following recommendation:

> "That the *Official Languages Act* of the Northwest Territories be amended to include a provision that it binds all contractors with the Government of the Northwest Territories. Suggested wording is as follows:
>
> "Every government institution has the duty to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in the Northwest Territories or elsewhere can communicate with and obtain those services from that person or organization in any particular Official Language in any case where those services, if provided by the institution, would be required to be provided in that Official Language."

The requirement for contractors with the government to provide services in accordance with the *Official Languages Act* should not prove to be too onerous. Most contractors with the government do not provide services directly to the public. They provide services to government boards and agencies. For those who do provide services directly to the public on behalf of the government, a plan and the costs in regard to providing language services could be included in a proposal or tender as an expense that would be incurred by the contractor but recouped from the government. This would appear reasonable. First, even if the government was providing the service directly to the public, no assumption should be made that the government would be able to provide for language

services internally. Secondly, in the Final Report of the Standing Committee on Official Languages, the committee recognized that there is a cost to providing appropriate language services.

The wording proposed in the above recommendation came directly from the federal *Official Languages Act*. It is drafted in such a way that the onus remains on federal government departments to ensure that contractors provide language services as required under the Act. It also gives the federal Official Languages Commissioner authority over contractors. Similar wording is again being recommended in this report.

In all, the goal of the proposed amendment is not to transfer the responsibility and expense of providing language services to the private sector, but to make it a joint responsibility of government and private sector where services are contracted out. Members of the public should receive the language services they are entitled to, regardless of whether the government or private sector is the direct service provider.

RECOMMENDATION:

That the *Official Languages Act* of the Northwest Territories be amended to include a provision that it binds all contractors with the Government of the Northwest Territories. Suggested wording is as follows:

> "Every government institution has the duty to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in the Northwest Territories or elsewhere can communicate with and obtain those services from that person or organization in any particular Official Language in any case where those services, if provided by the institution, would be required to be provided in that Official Language."

3. Communicating with the Public – Making the Act Work

The Legislative Assembly's approach to the issue of communication with the public has been uncoordinated and chaotic. Section 11 of the *Official Languages Act* states:

> "11. (1) Any member of the public in the Northwest Territories has the right to communicate with, and to receive available services from, any head or central office of a government institution in English or French, and has the same right with respect to any other office of that institution where:
>
> (a) there is a significant demand for communications with and services from the office in that language; or
>
> (b) it is reasonable, given the nature of the office, that communications with and services from it be available in both English and French.
>
> (2) Any member of the public in the Northwest Territories has the right to communicate with, and to receive available services from, any regional, area or community office of a government institution in an Official Language other than English or French spoken in that region or community, where:
>
> (a) there is a significant demand for communications with and services from the office in that language; or
>
> (b) it is reasonable, given the nature of the office, that communications with and services from it be available in that language.
>
> (3) In interpreting subsection (2), consideration shall be given to collective rights of Aboriginal peoples pertaining to Aboriginal languages and exercised within the traditional homelands of those peoples, consistent with any applicable lands, resources and self-government agreements, including land claim and treaty land entitlement agreements, and any other sources or expressions of those collective rights."

Section 11 is modelled after the federal *Official Languages Act*. Under the federal *Official Languages Act*, regulations were developed to define the terms "significant demand" and "nature of the office". The definition of "significant demand" is based almost entirely on a numerical criteria that establishes whether there is a significant demand and, therefore, an obligation to deliver services in both English and French. The numerical criteria refers to the estimated number

of minority language individuals, or the percentage of the English or French linguistic minority in the region served by the office or, in some cases, a combination of the two criteria. It is a complicated system. Regulations under the federal *Official Languages Act* also establish what is meant by the term "nature of the office". In large part, it refers to basic services being available to the public in either English or French where the office in question deals with issues of health, safety or security of the public. Unlike Parliament, the Legislative Assembly of the Northwest Territories never went on to develop regulations to define the concepts of "significant demand" and "nature of the office". Instead, the Government of the Northwest Territories developed the Official Language Policy and Guidelines, which set out designated language areas (based on the Official Languages most commonly spoken in the various regions of the Northwest Territories) and guidelines for providing services to the public in a number of areas (including interpretation at public meetings and hearings and translations of public information material). It is important to note that the Official Languages Policy and Guidelines are not legally binding. This point was not lost on the Special Committee on Official Languages, which stated on page 207 of its final report:

> "... The language revitalization framework stresses the need for management decisions that are 'guided and accountable' through legislation and policy. The questionnaire results confirm that the Official Languages Policy and Guidelines are not being followed or monitored in a systemic way. If many departments are able to avoid or ignore implementing key elements of Official Languages Policy and Guidelines, the Committee must conclude that the policy and guidelines are not sufficiently prescriptive, nor are accountability mechanisms adequate to measure and ensure compliance."

Madame Justice Moreau, in her decision in *Fédération franco-ténoise c. Procureur général du Canada*, dated April 25, 2006, ordered that the Legislative Assembly and Government of the Northwest Territories must come up with criteria defining "significant demand" and "nature of the office" within nine months of her decision. This decision is currently under appeal. With all due respect to Madame Justice Moreau, the notion of "significant demand" has caused many issues, and may not necessarily lead to equitable and fair use of Official Languages in the Northwest Territories. In her 2005-2006 Annual Report, the federal

Official Languages Commissioner cited numerous examples of where relying on the definition of "significant demand" actually resulted in an inequity in Official Language usage at the federal level. On page 27 of her report, she stated:

> "Strict application of numerical criteria gives rise to unfair, complex and unequal situations.
>
> For the purposes of this discussion, we will examine the cases of Yarmouth, Nova Scotia, and Sept-Iles, Quebec. Some 625 French speaking people live in Yarmouth, representing 8.4% of the total population in this region. There people have the right to receive all local services in their language. By contrast, despite their larger numbers (870), members of the English-speaking community of Sept-Iles have the right to receive only key services in their language. This is because they do not comprise at least 5% of the region's total population. How can this situation be justified in terms of equity?
>
> The strict application of these numerical criteria also has an impact when determining the number of federal institution offices that will be designated bilingual for the purposes of services and communications.

Thus, in Greater Vancouver, where 30,830 Francophones representing less than 2% of the total population live, federal institutions, except Canada Post, are required to offer services in French in only one of their local offices. How can there be genuine accessibility and services of equal quality when a member of the public is forced to go across the city to obtain a service in the Official Language of his or her choice, at the only office required to provide it in that language? There are similar situations in other large urban centres such as Edmonton, Quebec, Calgary and Victoria. Yet, in each of these cities, there is a dynamic Official Language community committed to its own development.

Another problematic application of the 1992 Regulations concerns the public travelling on the Trans-Canada Highway, and the RCMP's linguistic obligations towards them. The Regulations were formulated in such a way that the linguistic obligations of RCMP offices have been defined based on local population, rather than consideration of the public travelling on the Trans-Canada Highway. Depending on which stretch of the highway members of the public are stopped

or need services of the RCMP, they may or may not have the right to be served in the Official Language of their choice. Is it really necessary to remind the government that the Trans-Canada Highway is not used exclusively by the local population, but by the Canadian public as a whole."

The federal Official Languages Commissioner went on to cite other examples of the problem with the definition of "significant demand". Certainly, trying to draft regulations based on a numerical criteria to determine "significant demand" would be even more problematic in the Northwest Territories. In some instances, we are dealing with extremely small numbers of persons who speak a particular Aboriginal Official Language. Trying to determine "significant demand" based on such small percentages of the population fails to recognize the special characteristics of some of these Official Languages and, in particular, that some of them are in fear of extinction. Further, the preamble to the *Official Languages Act* is very clear that one of the objectives of the Act is to preserve and enhance Official Languages. How can basing language rights on a numerical criteria help to preserve these Official Languages? In addition, fewer and fewer people appear to be speaking Aboriginal Official Languages over time. In total, the percentage of the Northwest Territories population able to speak an Aboriginal Official Language decreased by over 15% from 1984 to 2004 (NWT Bureau of Statistics). If "significant demand" is based on a percentage of population that speaks a particular Official Language, then the obligation to provide services in that Official Language could diminish over time. In effect, the Government of the Northwest Territories could become an active participant in the demise of an Official Language. Application of a strict numerical criteria could also create an inequity in services between Aboriginal Official Languages. For example, persons in Whati, where 96.9% of the population speaks an Aboriginal language, may be entitled to more language services than persons in Aklavik, where only 19.3% of the population speaks an Aboriginal Official Language. How can any of this be said to provide equality of service in various Aboriginal Official Languages?

A truly northern approach is needed to ensure that language rights are respected in the area of communication with the public. A number of factors need to be considered in developing this approach:

i) Simplicity – Complicated formulas to determine language rights are neither practical or effective. The system should be simple and easy to understand.

ii) Accessibility of Services to the Public – The focus must be on accessibility of services to the public and not administrative ease for the government. Certain basic services should be available in all Official Languages of the Northwest Territories regardless of location. The concept of "nature of the office" in the federal *Official Languages Act* is helpful in this regard. It focuses on basic services such as health care and safety as being of primary importance to the public. The Government of the Northwest Territories needs to look at what basic services the public should be entitled to in any Official Language, and take steps to ensure universal accessibility in all languages. Other language rights may be based on designated language areas, and may include many of the types of services currently outlined in the Official Languages Policy and Guidelines.

iii) Holistic Approach – Language rights must be clearly entrenched in legislation and regulation, and be all encompassing.

RECOMMENDATION:

That the Legislative Assembly consider amending section 11 of the *Official Languages Act* such that, instead of defining language rights based on the concepts of "significant demand" and "nature of the office", language rights in the area of communication with the public be based on the following principles:

i) that some basic services should be available in any and all Official Languages, regardless of geographical area. This should include health services, mandatory registration, licensing, safety and other services that the legislators consider essential.

ii) that other services should be available according to designated language areas that are established in regulation. As well, those services that must be provided in those designated language areas should also be set out in regulation, instead of policies and guidelines. In this way, the responsibility to provide such services will be clear and binding.

Recommendations for Operational Change

1. 1-800 Numbers (Cutting Out the Middle Man)

As already indicated in this report, the Languages Commissioner received a concern from a Francophone individual that, when he attempted to use the Department of Health and Social Services 1-800 number to inquire about Health Care Cards, he was not readily able to obtain services in French. He indicated that the people who were trying to help him were not able to speak French and they were not able to immediately access someone who could provide services in French.

Although a formal complaint was not filed, the Languages Commissioner decided to initiate an investigation of the matter. Upon investigation, it became clear that the Department of Health and Social Services actually had a plan in place to deal with requests for service in French. The calls were to be transferred from the Health Services Administration Office in Inuvik to an identified individual in Yellowknife, who is fluent in the French language. She would then assist the client in French, and pass information back and forth between the Francophone client and the Health Services Administration office in Inuvik.

Unfortunately, it also became clear that not all staff in the Health Services Administration Office in Inuvik were aware of this process. Further, it put employees in the Inuvik office in the uncomfortable position of trying to assist the client when they didn't understand French. Certainly, it wasn't the most efficient way of providing language services to the client.

The Languages Commissioner spoke to numerous individuals who work at the Health Services Administration Office in Inuvik, as well as to persons at headquarters with the Department of Health and Social Services. The Languages Commissioner also canvassed this matter directly with the Deputy Minister of Health and Social Services. The Languages Commissioner recommended that the department consider an automated response system for its 1-800 number. This would allow clients to select services in English or in French. Those clients who choose French would automatically be transferred to the employee in Yellowknife who is assigned responsibility for assisting Francophone clients. The Deputy Minister agreed with this recommendation and has implemented this system. The Department of Health and Social Services is to be commended for dealing with this matter in a professional manner and with a focus on assisting clients.

There are undoubtedly more 1-800 numbers within the government where, when a person requests services in French, they are directed to a certain individual. In such cases, an automated response system should be considered.

RECOMMENDATION:

That the Legislative Assembly and all government departments review their systems for providing service through 1-800 numbers. Where a person who requests services in French will be transferred to an identified individual, consideration should be given to an automated response system for the 1-800 number, allowing for an individual to choose services in English or in French. The same approach should be considered for other Official Languages.

2. Effective Translation Services

In the fall of 1996, the Aboriginal Language Section of the Language Bureau was privatized. In her 1997-1998 Annual Report, former Languages Commissioner, Judi Tutcho, made the following specific recommendation:

> "That the Government of the Northwest Territories addresses the issue of privatization of language services and its impact on the government departments, boards and agencies."

In 2000, she submitted her "Special Report on Privatization and Languages Services" to the Legislative Assembly. In that report, she made the following recommendations:

> "That there be discussions between government officials, Aboriginal organizations and private industry to address:
>
> – the need for standardized translation;
>
> – the process for standardized translation; and
>
> – the training and certification of interpreters/translators."

In the Final Report of the Special Committee on Official Languages, the following two recommendations were made:

> "E1. The Minister responsible work with the Aboriginal language communities to expand the development of regional and/or territorial certification standards for interpreters/ translators and provide I/T training in regions. The initial focus will be on health, social services, justice and other regional priorities. Training is tied to forecasted employment and business opportunities arising from increased official languages service delivery.

E4. The Minister responsible and the Minister of ECE meet with Aurora College, Aboriginal language communities and cultural institutes to review the development and delivery of I/T, language instructor and adult language training to improve cost-effectiveness and the overall success rate."

There appears to have been little, if any, movement on the part of the Legislative Assembly or Government of the Northwest Territories in regard to any of these recommendations.

One of the keys to ensuring that members of the public can exercise their language rights is to ensure quality interpretation and translation services from interpreters and translators who meet minimum established standards of competency. Therefore, it is imperative that the Legislative Assembly and Government of the Northwest Territories immediately implement a plan for the training and certification of interpreters and translators.

RECOMMENDATION:

That the Government of the Northwest Territories immediately implement a plan for the training and certification of interpreters and translators.

In the Special Report on Privatization, former Languages Commissioner, Judi Tutcho, made another important recommendation:

"That the government establish a registry of interpreters and translators that could be used by government and private industry. The registry should include information regarding:

- names, addressees, telephone and fax numbers, and e-mail addresses of interpreters and translators;
- the language or languages that they can provide services in;
- references that can be contacted; and
- an assessment by a language specialist, where the interpreter or translator agrees to be assessed, that provides an analysis of the interpreters qualifications and quality of work."

This type of issue was recognized by the Standing Committee on Official Languages. On page 207 of their final report, it states:

> "A majority of the respondents have no procedure for providing Official Language services to a member of the public in the event that no internal users of that language are available."

The Standing Committee then went on to make the following recommendation in its Final Report:

> "The Official Languages Secretariat publish an updated public registry of French and Aboriginal language interpreter/translators."

It is imperative that the public registry be developed immediately. The experience of this Office over the past year has been that it is very difficult to find qualified interpreters and translators. Those interpreters and translators who are "known" are often extremely busy and cannot keep up with the demand for their services. By creating a central registry, more interpreters and translators may become known and may be able to develop a practice. This may, in turn, promote others to enter into the field. In addition, the Office had eight inquiries from the private sector this past year inquiring about creating signs and materials in various Official Languages. As indicated, there is no legal obligation on private sector businesses to provide such signage or service. However, by creating a public registry and increasing accessibility to interpreters and translators, it encourages the private sector to provide such language services, which in turn helps to promote and preserve the Official Languages of the Northwest Territories.

RECOMMENDATION:

That the Government of the Northwest Territories immediately create a registry of interpreters and translators that is available to both the public and private sector.

Summary of Recommendations

1. That the Legislative Assembly clarify what is meant by paragraph six of the preamble to the *Official Languages Act*. Further, paragraph 10 of the preamble should be deleted.

2. That the *Official Languages Act* of the Northwest Territories be amended to include a provision that it binds all contractors with the Government of the Northwest Territories. Suggested wording is as follows:

   "Every government institution has the duty to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in the Northwest Territories or elsewhere can communicate with and obtain those services from that person or organization in any particular Official Language in any case where those services, if provided by the institution, would be required to be provided in that official language."

3. That the Legislative Assembly of the Northwest Territories consider amending section 11 of the *Official Languages Act* such that, instead of defining language rights based on the concepts of "significant demand" and "nature of the office", language rights in the area of communication with the public be based on the following principles:

   i) that some basic services should be available in any and all Official Languages, regardless of geographical area. This should include health services, mandatory registration, licensing, safety and other services that the legislators consider essential; and

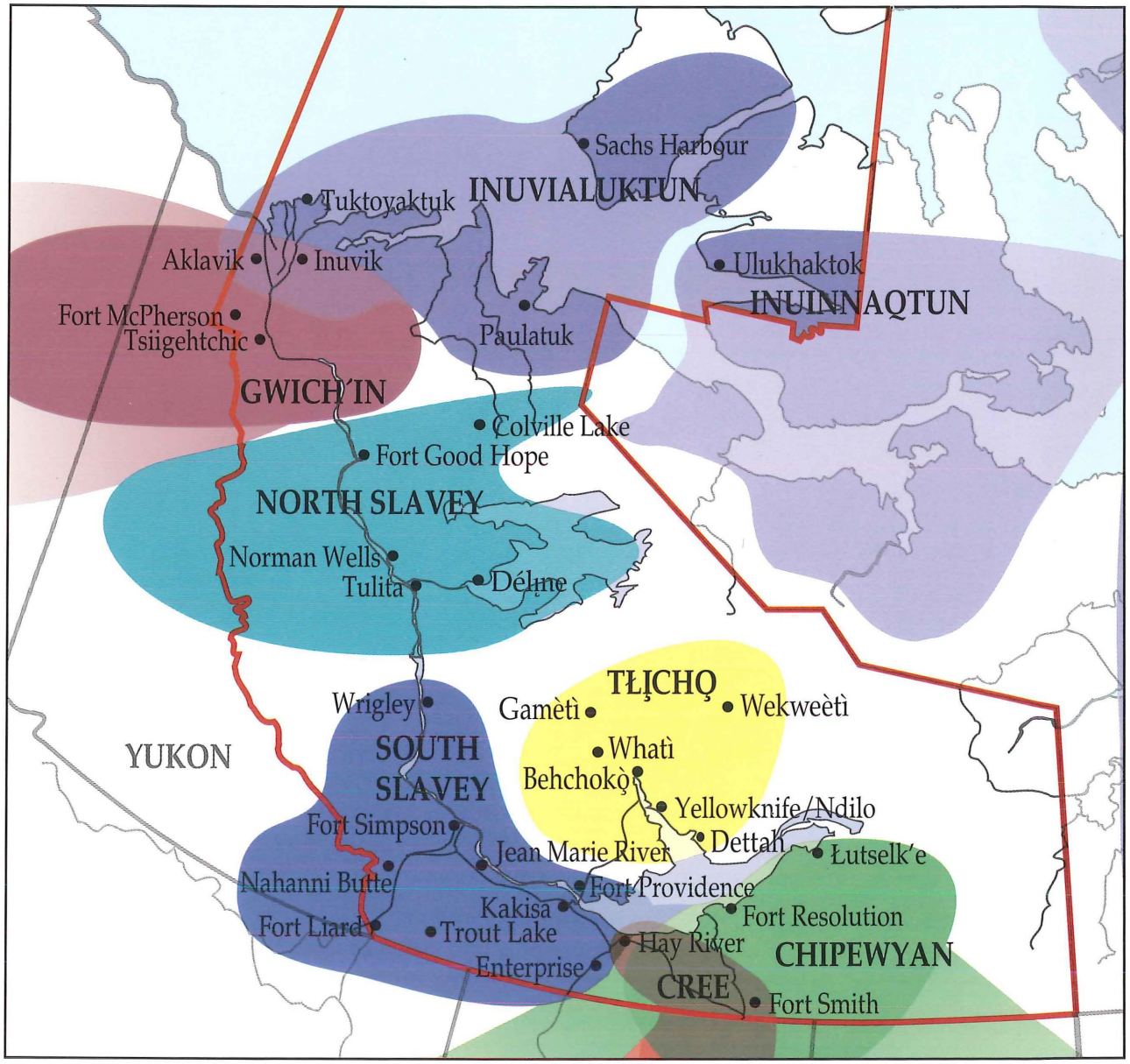
   ii) that other services should be available according to designated language areas that are established in regulation. As well, those services that must be provided in those designated areas should also be set out in regulation, instead of policies and guidelines. In this way, the responsibility to provide such services will be clear and binding.

4. That the Legislative Assembly and all government departments review their systems for providing service through 1-800 numbers. Where a person who requests services in French will be transferred to an identified individual, consideration should be given to an automated response system for the 1-800 number, allowing for an individual to choose service in English or French. The same approach should be considered for other Official Languages.

5. That the Government of the Northwest Territories immediately implement a plan for the training and certification of interpreters and translators.

6. That the Government of the Northwest Territories immediately create a registry of interpreters and translators that is available to both the public and private sector.

Official Languages of the Northwest Territories



FRENCH is mostly spoken in Hay River, Fort Smith, Inuvik and Yellowknife.
ENGLISH is spoken throughout the Northwest Territories.
INUKTITUT is mostly spoken in Yellowknife.

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